

LAWS  
OF THE  
TERRITORY OF HAWAII  
PASSED BY THE  
SEVENTEENTH LEGISLATURE

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REGULAR SESSION  
1933

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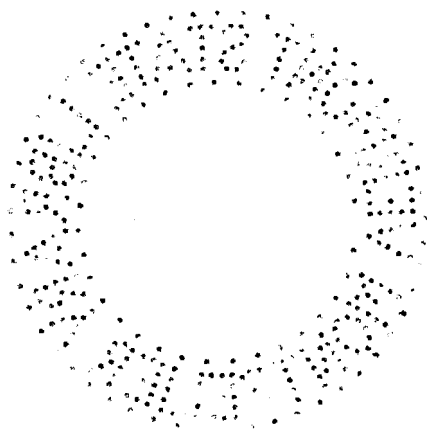
Commenced on Wednesday, the Fifteenth Day of February,—  
and on the Sixtieth Day, the Twenty-sixth Day of April, the  
Regular Session was extended by Executive Order  
issued by the Governor of the Territory of Hawaii,  
Honorable Lawrence M. Judd,—and Ended on  
Thursday, the First Day of June.

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PUBLISHED BY AUTHORITY

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HONOLULU, HAWAII  
HONOLULU STAR-BULLETIN, LTD.  
1933



# LIST OF OFFICERS AND MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

## REGULAR SESSION 1933

### SENATE

President.....George P. Cooke, Kaunakakai, Molokai  
Vice-President.....Francis H. Ii Brown, Honolulu, Oahu  
Clerk.....Ellen D. Smythe, Honolulu, Oahu

District	Name	Address
First....	Campsie, James (R) .....	Pahala, Hawaii
	*Desha, Sr., Stephen L. (R).....	Hilo, Hawaii
	Hill, William H. (R).....	Hilo, Hawaii
	*Hind, Robert (R) .....	Kailua, Hawaii
Second..	Cooke, George P. (R).....	Kaunakakai, Molokai
	Holt, Harry H. (R).....	Wailuku, Maui
	*Rice, Harold W. (R).....	Paia, Maui
	*Brown, Francis H. Ii (R).....	c/o John Ii Estate, Honolulu, Oahu
Third ...	Freitas, Henry (D).....	95-B Merchant St., Honolulu, Oahu
	*Heen, William H. (D) .....	Haw'n Trust Bldg., Honolulu, Oahu
	Petrie, Lester (D).....	c/o O. R. & L. Co., Honolulu, Oahu
	*Sylva, Joseph L. (R) .....	1040 Smith St., Honolulu, Oahu
	Trask, David K. (D).....	1034 Smith St., Honolulu, Oahu
	*Rice, Charles A. (R) .....	Lihue, Kauai
	Wilcox, Elsie H. (R) .....	Lihue, Kauai

R.....Republican..... 11  
D.....Democrat..... 4

\*Holdover Senators.

## HOUSE OF REPRESENTATIVES

Speaker.....Herbert N. Ahuna, Hilo, Hawaii

Vice-Speaker.....Manuel Gomes Paschoal, Puunene, Maui

Clerk.....Edward Woodward, Honolulu, Oahu

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	Devine, Daniel A. (D) .....	P. O. Box 547, Hilo, Hawaii
	Lee, John A. (R) .....	Hilo, Hawaii
	Sakakihara, Thomas T. (R)....	Hilo, Hawaii
Second..	Akina, Arthur A. (R) .....	Kamuela, Hawaii
	Aona, Francis K. (R) .....	Kealahakua, Hawaii
	Kawaha, George K. (R) .....	Waiohinu, Kau, Hawaii
	Ushiroda, Shunzo (R) .....	P. O. Box 590, Kealahakua, Hawaii
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	Engle, W. H. (R) .....	Kahului, Maui
	Holstein, Thomas (R) .....	Wailuku, Maui
	Paschoal, Manuel Gomes (R) ..	Puunene, Maui
	Robinson, Jr., Henry P. (R) ..	P. O. Box 52, Lahaina, Maui
	Sniffen, Samuel A. (R) .....	Paia, Maui
Fourth..	Beebe, Eugene H. (R) .....	P. O. Box 224, Honolulu, Oahu
	*Crane, Ezra J. (R) .....	P. O. Box 3110, Honolulu, Oahu
	Crozier, Jr., William H. (D)....	1714 Anapuni St., Honolulu, Oahu
	Soares, O. P. (R) .....	P. O. Box 2702, Honolulu, Oahu
	Woolley, Ralph E. (R) .....	2349 Oahu Avenue, Honolulu, Oahu
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	Holt, Christopher K. (D) .....	P. O. Box 45, Honolulu, Oahu
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Sixth....	Anderson, Theodore (D) .....	P. O. Box 162, Kekaha, Kauai
	Gomez, John J. (D) .....	P. O. Box 445, Lihue, Kauai
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	Wichman, Fred W. (R) .....	P. O. Box 188, Kapaa, Kauai

R.....Republican..... 20

D.....Democrat..... 10

\* Elected at a Special Election held January 7, 1933, to fill the vacancy caused by the death of Representative-elect Honorable Thomas V. King, who was elected at the General Election held November 8, 1932.

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# LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE

## SEVENTEENTH REGULAR SESSION OF THE LEGISLATURE

1933

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### ACT 1

[H. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAY-  
ING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE  
OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRI-  
TORY OF HAWAII OF THE YEAR 1933.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of fifty-five thousand dollars (\$55,000.00) from the public treasury for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1933.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of February, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



**ACT 2**

[S. B. No. 11]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1933.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of forty thousand dollars (\$40,000.00) from the public treasury for the purpose of defraying the expenses of the regular session of the Senate of the legislature of the Territory of Hawaii of the year 1933.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of February, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 3**

[H. B. No. 153]

AN ACT TO AMEND SECTION 146 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO HOLIDAYS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new paragraph is hereby added to Section 146 of the Revised Laws of Hawaii 1925, and to read as follows:

"Whenever in the opinion of the governor a public emergency shall exist, and it shall to him seem to be in the public interest, he may by proclamation designate and proclaim as legal banking holidays in the Territory such number of consecutive days as in his judgment the emergency may require, with power in him to extend the same as may seem advisable; which proclamation of holidays shall not be taken as relating to any business other than that of banking and kindred operations, nor as prohibiting, perforce, any voluntary conduct of banking business, in whole or in part, except

to the extent declared in such proclamation or in any further proclamation in enlargement or modification thereof."

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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#### ACT 4

[H. B. No. 33]

AN ACT TO AMEND SECTION 1550 OF THE REVISED LAWS OF  
HAWAII 1925, RELATING TO COMMUTATION OF PUNISHMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1550 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1550. Commutation of punishment; felons. Every person who has been or may hereafter be convicted of any felony under any law of the Territory and is confined in execution of the judgment or sentence upon any such conviction in any prison or jail in the Territory for a term other than for life, whose record shows continued good behavior or meritorious conduct, may be allowed a deduction from the term of his sentence to be estimated as follows, beginning on the first day of his arrival at such prison or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence for more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more consecutive sentences the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated; and when a prisoner has two or more sentences running concurrently the sentence last to expire shall be the basis upon which his deduction shall be based."

SECTION 2. This Act shall take effect upon its approval but shall not operate to reduce any commutation already earned on any existing sentence.

Approved this 11th day of March, A. D., 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 5

[H. B. No. 39]

AN ACT TO AMEND SECTION 59 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 59 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 59. In case of tie. In case of the failure of an election by reason of the equality of vote between two or more candidates, the tie shall forthwith be decided by lot, under the supervision of the Secretary of the Territory; and the candidates interested and the central and/or county committees concerned shall be notified by the Secretary of the Territory of the time and place of the drawing of the lot and such persons shall be given an opportunity to be present."

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of March, A. D., 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 6

[H. B. No. 18]

AN ACT TO AMEND SECTION 1484 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EXPENDITURE OF PUBLIC MONEYS AND PROCEDURE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1484 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1484. False certificates or approval; penalty. Any public officer or employee who shall falsely certify or approve for payment any bill or voucher, or any claim against the Territory or any county or city and county, or who shall cause or authorize the pur-

chase of any materials or supplies or the performance of any service or labor on behalf or for the benefit of the Territory or any county or city and county, in the absence of any appropriations, or in excess of any appropriations made for such purposes, with the intent that the materials or supplies so purchased or the service or labor so performed shall be paid for by such Territory or such county or city and county, and any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than one year, or by both such fine and imprisonment."

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of March, A. D., 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 7

[H. B. No. 126]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO ASSIST IN THE MAINTENANCE OF THE ROBERT W. SHINGLE MEMORIAL HOSPITAL.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and empowered to make such provision as it may deem proper, by way of contributions or otherwise, for the purpose of assisting in the support, maintenance and conduct of the Robert W. Shingle Memorial Hospital at Hoolehua, Molokai, in said county.

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D., 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 8

[S. B. No. 27]

AN ACT AUTHORIZING THE ESTABLISHMENT AND MAINTENANCE OF A FUND IN THE TERRITORIAL TREASURY TO COVER EXPENSES OF SHELTERING AND FEEDING OF CATS AND DOGS WHILE IN QUARANTINE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All fees collected by the board of agriculture and forestry with respect to the quarantine of cats and dogs shall be deposited in the territorial treasury to the credit of a special fund to be known as the "cat and dog fund", for the purpose of defraying expenses incident to the sheltering and feeding of cats and dogs while in quarantine.

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 9

[S. B. No. 19]

AN ACT TO AMEND SECTION 3 OF ACT 242 OF THE SESSION LAWS OF HAWAII 1929, ENTITLED: "AN ACT AUTHORIZING THE COUNTY OF HAWAII TO ISSUE BONDS FOR CERTAIN PERMANENT PUBLIC IMPROVEMENTS."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3 of Act 242 of the Session Laws of Hawaii 1929, entitled: "An Act Authorizing the County of Hawaii to Issue Bonds for Certain Permanent Public Improvements", is hereby amended to read as follows:

"Section 3. The moneys realized from the bond issue of the year 1931 shall be expended for the following specific purposes in said county of Hawaii:

CONSTRUCTION OF ASPHALT-MACADAM ROAD, AND  
NECESSARY DRAINAGE STRUCTURES:

10. Opihali towards Hookena, South Kona.....	\$ 50,000.00
11. Huehue towards Puuwaawaa, North Kona.....	90,000.00
12. Kawaihae Wharf towards Waimea, South Kohala .....	100,000.00

CONSTRUCTION OF BRIDGES, APPROACHES AND  
WATER SYSTEM:

13. Construction of Bridges and Approaches.....	\$110,000.00
14. Water System, South Hilo.....	50,000.00
Total.....	\$400,000.00"

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of March, A. D., 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 10**

[S. B. No. 3]

AN ACT TO AMEND SECTION 1 OF ACT 32 OF THE SECOND SPECIAL SESSION LAWS OF 1932, MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1933.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That portion of Section 1 of Act 32 of the Second Special Session Laws of 1932, which appears under subheading "Board of Harbor Commissioners", is hereby amended to read as follows:

"BOARD OF HARBOR COMMISSIONERS  
Board of Harbor Commissioners,  
Proper Personal Services, Other  
Current Expenses and Equipment....\$ 19,500.00  
Harbor Masters and Pilots Personal  
Services, Other Current Expenses  
and Equipment ..... 85,000.00

Fire Boats—Fixed Charges.....	6,000.00
Maintenance and Additions, Landings, Wharves and Pipelines, and other property under the control of the Board of Harbor Commissioners, Personal Services, Other Current Expenses and Equipment.....	205,000.00
Total, Board of Harbor Commis- sioners .....	\$315,500.00"

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 11

[S. B. No. 17]

AN ACT TO AMEND SECTION 1477 OF THE REVISED LAWS OF  
HAWAII 1925, AS AMENDED, RELATING TO PROCEDURE IN THE  
EXPENDITURE OF PUBLIC MONEY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1477 of the Revised Laws of Hawaii 1925, as amended by Act 187 of the Session Laws of Hawaii 1925, and by Act 164 of the Session Laws of Hawaii 1931, is hereby further amended by adding thereto a new paragraph reading as follows:

[Sic] "Questionnaires so submitted, after having served their purpose, shall be returned to the bidder."

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 12

[S. B. No. 24]

AN ACT TO LAPSE INTO THE GENERAL FUND OF THE TERRITORY ALL UNENCUMBERED MONEYS REMAINING IN THE "CAPITOL BUILDING REHABILITATION SPECIAL FUND" CREATED BY ACT 71, SESSION LAWS OF HAWAII 1929.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All unencumbered moneys remaining in the "Capitol Building Rehabilitation Special Fund" created by Act 71 of the Session Laws of Hawaii 1929, are hereby lapsed into the general fund of the Territory.

SECTION 2. This Act shall take effect on July 1, 1933.

Approved this 17th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 13

[S. B. No. 71]

AN ACT TO AMEND SECTION 743 OF CHAPTER 55 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WILD DEER.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 743 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 743. Close season; punishment. It shall be unlawful to take, kill or destroy any wild deer in any place in the Territory of Hawaii, excepting on the island of Molokai, county of Maui, between the first day of November and the first day of April.

"Anyone violating the provisions of this section shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense."

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



LAPSE OF MCKINLEY HIGH SCHOOL  
ATHLETIC FUND. [Act 14  
10 PAYMENT OF WAGES TO LABORERS BY CONTRACTORS. [Act 15

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**ACT 14**

[H. B. No. 66]

AN ACT TO LAPSE INTO THE GENERAL FUND ALL UNENCUMBERED MONEYS APPROPRIATED BY ACT 266 OF THE SESSION LAWS OF 1927, FOR THE COACHING OF ATHLETICS AT MCKINLEY HIGH SCHOOL.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All unencumbered moneys remaining in the special fund entitled "coaching of athletics, McKinley High School" appropriated by Act 266 of the Session Laws of 1927, are hereby lapsed into the general fund of the Territory.

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 15**

[H. B. No. 12]

AN ACT TO AMEND CHAPTER 107 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 1485-A, RELATING TO PAYMENT OF WAGES TO LABORERS BY CONTRACTORS WITH THE GOVERNMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 107 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding at the end thereof a new section, to be known as Section 1485-A, and reading as follows:

"Sec. 1485-A. All contracts executed pursuant to this chapter involving the employment of laborers shall provide for weekly payment of wages to all such laborers whose rate of compensa-

tion is five dollars (\$5.00) or less per day. Every laborer employed by the contractor or any sub-contractor under any such contract whose rate of compensation is five dollars (\$5.00) or less per day shall be paid his wages weekly by his employer, whether or not such requirement is set forth in such contract. Every contractor or sub-contractor who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00)."

SECTION 2. This Act shall take effect upon its approval but shall not apply to contracts awarded on bids called for prior to the effective date hereof.

Approved this 27th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 16

[H. B. No. 113]

AN ACT TO AMEND SECTION 2284 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DISTRICT MAGISTRATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2284 of the Revised Laws of Hawaii 1925, is hereby amended by adding, after the word "illness", in the second line thereof the word "death".

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 17**

[H. B. No. 102]

## AN ACT RELATING TO BONDS AND RECOGNIZANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever the court, judge, or magistrate in any criminal cause shall forfeit any bond or recognizance given in a criminal cause or any peace bond, such court, judge or magistrate shall immediately enter up judgment in favor of the Territory of Hawaii and against the principal or principals and surety or sureties on said bond, jointly and severally, for the full amount of the penalty thereof, and shall cause execution to issue thereon immediately after the expiration of ten days from the date of the entry of such judgment, unless before the expiration of ten days from the entry of such judgment a motion or application of the principal or principals, surety or sureties, or any of them, showing good cause why execution should not issue upon such judgment, shall be filed with such court, judge or magistrate. If such motion or application, after a hearing held thereon, is overruled, execution shall forthwith issue and shall not be stayed unless the order overruling such motion or application is appealed from as in the case of a final judgment.

SECTION 2. This Act shall be considered to be set forth in full in words and figures in, and to form a part of, and to be included in, each and every bond or recognizance given in a criminal cause and each and every peace bond filed and accepted after the approval of this Act whether actually set forth in such bond, recognizance, or peace bond, or not.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 18

[S. B. No. 118]

AN ACT TO EXTEND FOR THE YEAR 1933 THE TIME FOR SUBMISSION OF COUNTY BUDGETS FOR TAXATION PURPOSES, AS REQUIRED BY ACT 40, SECOND SPECIAL SESSION LAWS OF 1932.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The time for the submission of county budgets for taxation purposes, as required by Section 21 of Act 40, Second Special Session Laws of 1932, is hereby extended for the year 1933 from March 31 to April 20 and any county budget submitted before April 20, 1933, may be amended on or before said date in the manner provided by said section.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 19

[H. B. No. 128]

AN ACT TO AMEND SECTIONS 2004 AND 2008 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CHAUFFEURS' LICENSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Paragraph numbered 2 of Section 2004 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"2. A statement that the applicant is over twenty years of age, or his actual age if he is not less than fifteen nor more than twenty years of age. In case the statement indicates that the applicant is over fifteen and not more than twenty years of age, the written consent of his parents or guardian to the issuance of such license shall accompany the application. If he has no parents nor guardian no such written consent shall be required."

SECTION 2. Paragraph numbered 1 of Section 2008 of said Revised Laws is hereby amended to read as follows:

"1. He shall be no less than fifteen years of age; provided that if he is less than twenty years of age the written consent of his parents or guardian to the issuance of a license as provided in Section 2004 must be presented by him to the examiner of chauffeurs."

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of March, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 20

[S. B. No. 59]

AN ACT TO AMEND CHAPTER 186 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION, BY AMENDING SECTION 3203, AS AMENDED BY ACT 258, SESSION LAWS OF 1927, THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3203 of Chapter 186 of the Revised Laws of Hawaii 1925, as amended by Act 258, Session Laws 1927, is hereby further amended to read as follows:

"Sec. 3203. Decisions, appeals. In every case the decision of the court shall be filed in writing, and final decree may be entered thereon at any time after the expiration of ten days, unless an appeal shall have been taken as herein provided, but no decree shall be entered until all costs and fees are paid, and that fact shall be endorsed on the decree.

"Any party aggrieved by the decision of the court upon the facts involved in any cause, who desires a jury trial, may appeal to the circuit court sitting with a jury, in the circuit where the land or a portion thereof lies upon filing notice of his appeal within five days and paying the costs accrued, as hereinafter defined, and depositing an approved bond in the sum of one hundred dollars conditioned for the payment of costs further to accrue in case he is defeated in the circuit court, or money to the same amount, within ten days after the rendition of the decision appealed from. Where the applicant is the appellant accrued costs shall be construed to

mean all costs taxable up to the point of decision. Where a contestant is the appellant accrued costs shall be construed to mean such costs of actual trial which have been incurred, in the judgment of the land court, by reason of the contest theretofore tried including reasonable expenses incurred for trial by the opposite party. For the purposes of this section, accrued costs as to a contestant shall not be construed to include any fees or costs chargeable to the applicant prior to the actual trial in the land court.

“Upon such appeal issues shall be framed therefor by the judge of the land court within thirty days after the filing of notice of appeal, or within such further time as the court may allow; and within ten days after the issue shall have been framed and allowed by the judge the registrar shall transmit to the circuit court the record in the cause, or such parts thereof and such papers and exhibits as the judge of the land court may designate as being material to the issues framed. No issues shall be tried in the circuit court except those specified upon the appeal. At the trial the record, papers and exhibits transmitted from the land court shall be considered as in evidence, and the testimony of witnesses given in the land court may be read in evidence; provided, however, that any witness may be called and examined before the jury, and further testimony may be adduced by any party. A special verdict shall be rendered.

“After the trial in the circuit court there shall be no further trial of any issue of fact unless a new trial shall be granted according to law.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 21**

[S. B. No. 56]

AN ACT TO AMEND CHAPTER 186 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION, BY AMENDING SECTION 3300, AS AMENDED BY ACT 258, SESSION LAWS OF HAWAII 1927, AND ACT 75, SESSION LAWS OF HAWAII 1929, AND BY REPEALING SECTION 3207 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3300 of Chapter 186 of the Revised Laws of Hawaii 1925, as amended by Act 258, Session Laws of Hawaii 1927, and Act 75, Session Laws of Hawaii 1929, is hereby further amended to read as follows:

"Sec. 3300. Schedule. The fees payable under this chapter shall be as follows:

"For every application to bring land under this chapter, including indexing and recording the same, and transmitting to registrar, when filed with assistant registrar, three dollars.

"For every plan filed, one dollar.

"For indexing any instrument recorded while application for registration is pending, twenty-five cents.

"For examining title, ten dollars and two-tenths of one per cent. of the assessed value of the land on the basis of the last assessment for taxation.

"For checking survey and map as to form and mathematical correctness but not on the ground, one dollar and fifty cents an hour.

"For approving subdivision of registered land, and for checking same as to form and mathematical correctness but not on the ground, one dollar and fifty cents an hour.

"For all services by a sheriff under this chapter, the same fees as are now provided by law for like services.

"For each instrument affecting a title not reported in applicant's filed abstract of title, two dollars.

"For filing an amended application, one dollar.

"For each notice by publication, twenty-five cents.

"For entering any general default, one dollar.

"For filing any answer, one dollar, to be paid by the party filing the same.

"For every subpoena, one dollar.

"For swearing each witness, ten cents.

"For entering any discontinuance, one dollar.

"For filing appeal and notice of appeal, one dollar.

"For entry of order dismissing application, or decree of registration, and sending memorandum to assistant registrar, one dollar.

"For copy of decree of registration, one dollar.

"For entry of original certificate of title and issuing owner's duplicate certificate, if contained within four pages, three dollars, and for each additional page or fraction thereof, fifty cents.

"For making and entering a new certificate of title, including issue of one owner's duplicate, if contained within four pages, two dollars.

"For each additional page or fraction thereof, fifty cents, and the same rate for each additional duplicate certificate, after the first.

"For the registration of every instrument, including entering, indexing, filing, attesting registration, making and attesting memorandum on certificates, when so required, one dollar and fifty cents, except where herein otherwise provided.

"For the certification of a copy of any instrument, the same fees as are provided by Section 3141.

"For filing and registering an adverse claim, three dollars.

"For entering statement of change of residence or post-office address, including indorsing and attesting same on a duplicate certificate, twenty-five cents.

"For entering any note in the entry book or in the registration book, twenty-five cents.

"For registration of a suggestion of death or notice of issue of an order in bankruptcy, twenty-five cents.

"For filing any petition after original registration, one dollar.

"For filing any order after original registration, one dollar.

"In all cases not expressly provided for by law the fees of all public officers for any official duty or service under this chapter shall be at a rate established by the court.

"For any application made by or in the name of the Territory, or any political subdivision thereof, any proceedings had upon such application or any dealing with registered land by the Territory, or any political subdivision thereof, as owner, no fees shall be charged."

SECTION 2. Section 3207 of said chapter is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



**ACT 22**

[S. B. No. 58]

AN ACT TO AMEND CHAPTER 186 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION, BY AMENDING SECTIONS 3220 AND 3221 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3220 of Chapter 186 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof the following paragraph:

"The description included in the notice in addition to the number of award, patent and grant and name of awardee or original grantee need not be by metes and bounds but may be a brief general description of the land sufficient to identify the same. Such notice shall contain a statement that the map of the land and the description thereof by metes and bounds are on file in the land court and are open to inspection."

SECTION 2. Section 3221 of said chapter is hereby amended by adding at the end thereof the following paragraph:

"Every copy of the notice required as aforesaid to be mailed, posted or given in any manner other than by publication shall include a description of the land by metes and bounds."

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 23

[S. B. No. 60]

AN ACT TO AMEND CHAPTER 186 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION, BY AMENDING SECTION 3225, AS AMENDED BY ACT 152, SESSION LAWS 1927, THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3225 of Chapter 186 of the Revised Laws of Hawaii 1925, as amended by Act 152, Session Laws 1927, is hereby further amended to read as follows:

“Sec. 3225. Hearing; reference to other judges or to master; maps; costs; etc. If in any case an appearance is entered and answer filed, the cause shall be set down for hearing on the motion of either party, but an order of default shall first be entered against all persons who do not appear and answer, in the manner provided in Section 3224. If the land is located in any circuit outside of the island of Oahu the court may refer the cause or any part thereof (including presiding at return days referred to in Sections 3220, 3221, 3224) to the judge presiding in the circuit in which the land may be located as part of his calendar duties as judge to make record of appearances, grant continuances and to record defaults, or to hear the parties and their evidence, and make report thereof to the court. The report of the judge to whom such reference shall be made shall have the same weight as that of a master appointed by the judge of the circuit court in chambers, and the judge of the land court shall proceed thereon to ratify, affirm or modify the decision or orders performed under such reference as may be proper on the record. Such reference hereunder may be revoked or modified at any time.

“The court, before granting a decree, shall require a map of the land in question to be filed. The map may be required to show all data necessary to enable the lines thereon to be reproduced upon the ground. The map shall also contain, or be accompanied by, such data (as survey lines or field notes) from enduring monuments, that the destruction of temporary monuments will not render it impracticable to enforce a decree based upon the map.

“The court shall require that the names, as far as known, of all occupants and owners of adjoining lands and the names, as far as known, of all occupants within the land, other than tenants of the applicant, shall be placed on the map, and that all parcels of land owned by parties, other than the applicant, situate within the exterior boundaries of applicant's land shall be marked on the

ground and their boundaries defined by metes and bounds together with such easements or rights of way as may be in existence on the ground.

"Distances and functions of necessary angles must be shown definitely, not approximately. The court may order durable bounds to be set and referred to in the application by amendment and may require additional field surveys to be made either by the surveyor of the Territory or by a competent surveyor in private practice and make such additional rules and instructions in regard to surveys as it may deem proper. The expenses of survey and bounds shall be taxed in the costs of the case and may be apportioned among the parties, as justice may require. If no persons appear to oppose the application, such expenses shall be borne by the applicant.

"The court may waive in its discretion any part or all of the requirements hereof, when it may deem that the interests of justice and equity require such waiver.

"The map may be referred by the court to the surveyor of the Territory, who shall cause the same to be checked as to form and mathematical correctness but not on the ground and make a proper report of his findings to the court; provided, however, that in all cases where the Territory is an applicant for a registered title or in any other way directly interested in any application for a registered title, as indicated by the examiner's report thereon, the court shall refer the map to a competent surveyor in private practice who shall cause the same to be checked as to form and mathematical correctness but not on the ground and make a proper report of his findings to the court, provided, further, that after a decree has been issued in favor of the Territory, and the land therein described has been subdivided, the certificate of the surveyor of the Territory certifying to the correctness of the map, showing the subdivision, shall be competent for all purposes of the subdivision".

SECTION 2. In any case where the surveyor of the Territory has actually started checking the map on the ground he shall complete such check and the cost thereof shall be taxed in the manner and amount prescribed by law at the time such check was started.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 24**

[S. B. No. 86]

AN ACT TO AMEND SECTION 3134 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 63 OF THE SESSION LAWS OF HAWAII 1931, AND ACT 31 OF THE SECOND SPECIAL SESSION LAWS OF HAWAII 1932, RELATING TO THE REGISTRATION OF CONVEYANCES AND FEES TO BE CHARGED IN CONNECTION THEREWITH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3134 of the Revised Laws of Hawaii 1925, as amended by Act 63 of the Session Laws of Hawaii 1931, and Act 31 of the Second Special Session Laws of Hawaii 1932, is hereby further amended to read as follows:

“Sec. 3134. Filing of ; data on plans; monuments. The registrar of conveyances shall accept and file in his office, upon the payment of the fee hereinafter provided, any plan of land prepared in the manner hereinafter in this chapter provided. Every such plan shall contain a short name of the tract, the name of the ahupuaa or ili, district and island and such data concerning the original title of the land as may be known, together with name of the last owner of record and his address, the signature of the surveyor and his address, the signature of the maker and his address, date of survey, scale, the meridian line, area, the true azimuths and lengths of principal lines and the names of all known adjoining owners. One or more durable monuments shall be placed on the land which shall connect with the government triangulation system and which monuments shall be placed as indicated on the plan. Whenever the land platted is made up of more than one original title, it shall be necessary to show all original title lines in broken lines as follows:

.....  
“The plan shall first be referred to the surveyor of the Territory who shall cause the same to be checked as to form and mathematical correctness but not on the ground. If the plan is drawn in accordance with the provisions of this section and Sections 3135 and 3136, the surveyor shall endorse his approval of the plan on the face thereof, after which the plan may be filed of record. The surveyor shall withhold approval of any plan until satisfied that the surveyor and maker of the plan is a registered professional surveyor.

“For checking the survey and plan as to form and mathematical correctness, the surveyor shall charge one dollar and fifty cents an hour and shall require the owner of the land to deposit the estimated cost thereof before making such check.

"All fees collected under this section shall be deposited in the territorial treasury to the credit of the general fund."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 25

[S. B. No. 87]

AN ACT TO AMEND SECTION 3284 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 258 OF THE SESSION LAWS OF HAWAII 1927, AND ACT 33 OF THE SECOND SPECIAL SESSION LAWS OF HAWAII 1932, RELATING TO LAND REGISTRATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3284 of the Revised Laws of Hawaii 1925, as amended by Act 258 of the Session Laws of Hawaii 1927, and Act 33 of the Second Special Session Laws of Hawaii 1932, is hereby further amended to read as follows:

"Sec. 3284. Payments for protection against loss or damage. There shall be paid to the registrar upon the original registration of land under this chapter, under absolute or qualified ownership, one-tenth of one per cent. and upon the entry of a certificate showing the title as registered owners in heirs or devisees one-twentieth of one per cent. of the assessed value of the land on the basis of the last assessment for taxation. Where the land sought to be registered was not separately assessed during the preceding calendar year, the value of the same shall be as found by the court as of January 1 of the year in which the application was filed. The court may appoint one or more appraisers at such rates of pay as he shall deem just, the cost to be taxed against the applicant or the heirs or devisees, as the case may be.

"All moneys received by the registrar under this section shall be paid to the treasurer of the Territory as a realization to the general fund."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 26**

[H. B. No. 54]

AN ACT TO AMEND ACT 212 OF THE SESSION LAWS OF HAWAII  
1927, RELATING TO PENSIONS, COUNTY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That certain item of Section 1 of Act 212 of the  
Session Laws of Hawaii 1927, which reads:

"Mrs. Elizabeth Macomber.....50.00"  
is hereby amended to read:

"The five minor children of  
Edward and Elizabeth Macomber.....50.00,  
provided, however, that the said pension shall be paid to and  
be expended by the board of child welfare, county of Ha-  
wail, and that the amount of said pension shall be reduced  
by ten dollars for each child who dies before reaching the  
age of eighteen years, or reaches the age of eighteen years,  
or who, being a female, marries before reaching the age of  
eighteen years."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 27**

[S. B. No. 110]

AN ACT TO AMEND CHAPTER 135 OF THE REVISED LAWS OF  
HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE  
NUMBERED 2252A, RELATING TO POWERS OF CIRCUIT  
JUDGES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 135 of the Revised Laws of Hawaii 1925,  
is hereby amended by adding thereto a new section to be num-  
bered 2252A, and to read as follows:

"Sec. 2252A. Any decision, order, decree, judgment, or any other document requiring the signature of a circuit judge, in any cause or proceeding whatsoever in a circuit court, whether at law, in equity or otherwise, may be signed without, as well as within, the boundaries of the circuit in which such court is situated, excepting, however, without the Territory of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 28

[S. B. No. 92]

AN ACT TO REPEAL SECTIONS 674, 675, 676, 677, 678, AND 679 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, AND ACT 82 OF THE SESSION LAWS OF HAWAII 1915, RELATING TO BOUNTY FOR THE KILLING OF MONGOOSE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 674, 675, 676, 677, 678 and 679 of the Revised Laws of Hawaii 1925, as amended, and Act 82 of the Session Laws of Hawaii 1915, are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 29

[S. B. No. 38]

AN ACT TO AMEND SECTION 1214 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1214 of the Revised Laws of Hawaii 1925, relating to the registration of births, deaths and marriages, is hereby amended to read as follows:

“Sec. 1214. Records kept. It shall be the duty of each registrar except the registrar for the Honolulu district on duty in the office of the registrar general to keep in proper books used solely for such purpose a full and complete record of all the births, deaths and marriages which take place in the district of which he is the registrar.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 30

[S. B. No. 11]

AN ACT TO AMEND SECTION 3980, CHAPTER 226, REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 231, SESSION LAWS OF HAWAII 1931, RELATING TO BAIL IN CRIMINAL CASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3980 of the Revised Laws of Hawaii 1925, as amended by Act 231 of the Session Laws of Hawaii 1931, is hereby amended to read as follows:

“Sec. 3980. By whom allowed. In cases where the punishment for the offense charged may be death, or imprisonment for a term more than ten years with or without fine, a judge or justice of a



court of record, but no other magistrate, shall be competent to admit the accused to bail, in conformity with the provisions of Sections 3978-3981. In all other cases the accused may be so admitted to bail by any judge or justice of a court of record, or by a district magistrate, and in cases where the punishment for the offense charged may not exceed two years' imprisonment with or without fine, the high sheriff, his deputy, the chief of police or any person or persons named by him, any sheriff or his deputy, except the sheriff of the city and county of Honolulu, regardless of the circuit or district within which the alleged offense was committed, may admit the accused person to bail."

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 31

[H. B. No. 56]

AN ACT TO AMEND ACT 143 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO MINIMUM SIZE LIMITS FOR CERTAIN FISHES HANDLED COMMERCIALY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 143 of the Session Laws of Hawaii 1925, is hereby amended by inserting, after the word "awa" in the sixth line of said section, the words "less than nine inches in length,".

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 32**

[H. B. No. 179]

AN ACT TO AMEND ACT 45 OF THE SECOND SPECIAL SESSION  
LAWS OF 1932, RELATING TO POLL TAXES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 45 of the Second Special Session Laws of 1932, is hereby amended to read as follows:

"Sec. 1. Poll tax; may be worked out. An annual tax of five dollars (\$5.00) shall be paid by every male and female inhabitant of the Territory of Hawaii between the ages of twenty and sixty years, unless such person be an infirm indigent or unless such person be otherwise exempted by law; provided, however, that every female inhabitant of the Territory having an annual independent income of less than two hundred dollars (\$200.00) shall, subject to the provisions of Section 3 of this Act, be exempt from such tax; provided, further, that such tax may, pursuant to regulations made by the tax commissioner, be worked out, by any indigent person on the public roads of the county wherein he resides, under the direction of the board of supervisors of such county, at the rate of two dollars (\$2.00) per day of eight hours' work."

SECTION 2. All infirm indigents are hereby exempt from the payment of delinquent poll taxes.

SECTION 3. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 33**

[S. B. No. 171]

AN ACT TO ADD TO THE REVISED LAWS OF HAWAII 1925, A NEW CHAPTER TO BE NUMBERED 125A AND TWENTY-TWO NEW SECTIONS TO BE NUMBERED SECTIONS 2116A TO 2116V, PROVIDING FOR THE LICENSING AND REGULATION OF THE MANUFACTURE AND SALE OF CERTAIN MALT, VINOUS AND OTHER BEVERAGES, AND EXEMPTING SUCH BEVERAGES FROM THE OPERATION OF CHAPTER 126 OF SAID REVISED LAWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new chapter to be numbered 125A and twenty-two new sections to be numbered Sections 2116A to 2116V, are hereby added to the Revised Laws of Hawaii 1925, to read as follows:

“CHAPTER 125A.

“MANUFACTURE AND SALE OF MALT, VINOUS  
AND OTHER BEVERAGES.

“Sec. 2116A. Definitions. Wherever in this chapter the following words and equivalent expressions appear they shall have the following meanings, respectively:

“‘Person’ shall have the meaning defined in Section 16;

“‘County’ shall mean and include the city and county of Honolulu and each county of the Territory except the county of Kalawao;

“‘Beverage’ shall mean beer, lager beer, ale, porter, wine and similar fermented malt or vinous liquor and fruit juice with such alcoholic content, not less than one-half of one per centum by volume, as may from time to time be permitted or authorized, or not forbidden, by the statutes of the United States of America, to be manufactured and sold;

“‘Commission’ shall mean the liquor commission of each county created by this chapter;

“‘Sunday’ shall mean the time between 12 o’clock on Saturday night and 5 o’clock on the succeeding Monday morning.

“Sec. 2116B. Commission, appointment, qualifications, tenure. There shall be appointed for each county, in the manner prescribed by the first paragraph of Section 80 of the Hawaiian Organic Act, a commission to be known as the liquor commission, to consist of three members, each of whom shall be a citizen of the United States and shall have resided in such county for at least one year preceding his appointment, and one of whom shall be designated

by the appointing power as chairman. The first three members of each commission appointed hereunder shall be appointed, one for a term to expire December 31, 1933, one for a term to expire December 31, 1934, and one for a term to expire December 31, 1935; thereafter every appointment shall be made for a term of three years, commencing from the date of the expiration of the last preceding term. Any vacancy shall be filled by appointment for the remainder of the unexpired term. No person shall be a member of any commission who is or becomes engaged or directly or indirectly interested in any business for the manufacture or sale of beverages. This provision shall be enforced by the governor by the removal of the disqualified member whenever such disqualification shall appear.

"Sec. 2116C. Service without pay; expenses. The members of the commission shall serve without pay but their necessary expenses for traveling and incidentals shall be paid from the liquor commission fund created by this chapter or from any appropriation that may be made available for such purpose by the board of supervisors of the county.

"Sec. 2116D. Powers and duties of commission. It shall be the duty of the commission and it shall have the power in addition to any other duties and powers prescribed or granted by this chapter:

"(1) To grant licenses for the manufacture and sale of beverages pursuant to this chapter;

"(2) To supervise and regulate the manufacture and sale of beverages;

"(3) To enforce the provisions of this chapter and the rules and regulations adopted pursuant thereto;

"(4) From time to time to make, amend and repeal rules and regulations as it may deem proper effectually to carry out the purposes of this chapter, which rules and regulations, when approved by the governor and published once in the English language in a newspaper printed and published in the county, shall have the force and effect of law;

"(5) To appoint and remove at pleasure one or more inspectors and such clerical assistants as it may require;

"(6) To cancel or revoke any license for any cause prescribed by this chapter or by such rules and regulations;

"(7) To report to the governor annually and at such other times and in such manner as he may require concerning its activities.

"Sec. 2116E. Secretary; duties; custody of records. The clerk of the county shall be ex-officio the secretary of the commission, and shall perform on its behalf any routine duties which

it may assign to him, and shall serve without additional compensation. All records of the commission shall be kept in the office of such clerk.

"Sec. 2116F. Board of supervisors to furnish quarters. It shall be the duty of the board of supervisors of the county to provide suitable quarters for meetings of the commission and for the transaction of its other business.

"Sec. 2116G. Business without license forbidden. Except as otherwise permitted by this chapter, no person shall manufacture or sell any beverage except under a license previously obtained under, and in compliance with, the provisions of this chapter and the rules and regulations of the commission.

"Sec. 2116H. Applications. Every applicant for a license under this chapter shall file an application with the commission in such form and setting forth such information as may be prescribed or required by the commission, and shall furnish such additional information bearing upon the issuance of such license and any other matters within the province of the commission as it shall require. Every such application shall be sworn to before a member or the secretary of the commission or any other officer authorized to administer oaths in the Territory, all of whom are hereby authorized to administer any oaths to such applications. In the case of a firm or corporation any member or officer thereof may sign such application and take such oath on behalf of the applicant. Any person who shall knowingly make any false statement as to any material matter or matters in such application shall be guilty of perjury.

"Sec. 2116I. Licenses, classes, fees, forms. Licenses of the following classes may be granted by the commission under the provisions of this chapter;

"(1) Manufacturer's license. A manufacturer's license shall authorize the holder thereof to manufacture beverages and to sell the same to any person holding any license under this chapter. The fee for such license shall be \$500.00 per annum;

"(2) Wholesale dealer's license. A wholesale dealer's license shall authorize the holder thereof to sell beverages in their original packages in quantities of not less than five (5) gallons at one time, which beverages shall not be consumed on the premises where sold. The fee for such license shall be \$100.00 per annum;

"(3) Retail dealer's license. A retail dealer's license shall authorize the holder thereof to sell beverages in their original packages in quantities less than five (5) gallons at one time, which beverages shall not be consumed on the premises where sold. The fee for such license shall be \$25.00 per annum;

“(4) Hotel license. A hotel license, to be issued only to a person duly licensed to operate a hotel, shall authorize the holder thereof to sell beverages to bona fide guests. The fee for such license shall be \$100.00 per annum;

“(5) Restaurant license. A restaurant license, to be issued only to a person duly licensed to operate a restaurant, shall authorize the holder thereof to sell beverages to a person for consumption on the premises where sold but such sale shall be made only in connection with the furnishing to such person of food likewise to be consumed on such premises. The fee for such license shall be \$100.00 per annum;

“(6) Club license. A club license shall authorize the holder thereof to sell beverages to members of the club and to guests thereof enjoying the privileges of membership. The fee for such license shall be \$100.00 per annum.

“The form of every license shall be prescribed by the commissioners, with the approval of the governor, and all such licenses shall be substantially uniform throughout every county. Every such license shall be issued in the name of the commission and signed by the secretary of the commission.

“Sec. 2116J. Place of business licensed; removal; other laws applicable. Any such license shall authorize the doing of the business licensed only at the place indicated in the license, except in case of removal and upon the written consent of the commission endorsed thereon. The provisions of Sections 1963, 1964, 1966 and 1968 shall apply to licenses and other matters provided for by this chapter to the same extent as to licenses and other matters provided for by Chapter 125, except that the word ‘treasurer’, as used therein, shall be taken to mean the ‘commission’ for the purposes of this chapter.

“Sec. 2116K. Fees, when due and payable. The fee for any license prescribed by this chapter shall be due and payable in advance on the 1st day of July of each year or on commencing the business thereunder. In the former case the fee shall be reckoned for one year and in the latter case the fee shall be reckoned proportionally from the first day of the month in which the business is commenced to the first day of July following.

“Sec. 2116L. No license issued when. No license shall be issued:

“(1) To any person who has been convicted of a felony or who is less than twenty years of age;

“(2) To a corporation the officers and directors of which, or any of them, would be disqualified under this section from obtaining such license individually;

"(3) Unless the applicant therefor shall file with the commission the certificates required by Section 1958;

"(4) To an applicant whose license has previously been revoked less than one year previous to the date of application for such license;

"(5) Authorizing the sale of beverages, for consumption on the premises where sold, in any building less than five hundred (500) feet from the premises actually used by, and for the purposes of, any school, church, chapel, or other place of religious worship, measured from the nearest portion of such building to the nearest outer boundary of such premises; provided, that this paragraph shall not be applicable to any hotel, club, or restaurant operating as such on April 1, 1933.

"Sec. 2116M. Liquor commission fund; disposition of license fees and other moneys. There is hereby created in the treasury of each county a special fund to be known as the 'liquor commission fund' into which shall be paid all fees and other moneys collected or received under the provisions of this chapter. All expenses of the commission, including expenses and salaries of its subordinates, shall be paid out of such fund upon vouchers approved by the commission and signed by the secretary. The board of supervisors of the county is hereby directed to advance to the commission from the general fund of the county such moneys as may be necessary to meet (a) the printing and other necessary preliminary expenses incident to its organization, and (b) all of its expenses until such time as it shall be in receipt of sufficient funds for such purpose. Such general fund shall be reimbursed out of moneys in the liquor commission fund when received. During the month of December of each year the commission shall prepare an estimate of its receipts and expenditures for the succeeding calendar year, and shall, on or before January 10th following, pay into the general fund of the county any moneys in the liquor commission fund which the commission deems to be in excess of its requirements, taking into consideration estimated receipts during such succeeding calendar year.

"Sec. 2116N. Selling to minors prohibited. It shall be unlawful for the holder of any license under this chapter to sell beverages to a minor under eighteen years of age.

"Sec. 2116-O. Conditions of licenses. Every license issued under this chapter shall be subject to the following conditions so far as applicable:

"(1) Such license is issued and accepted subject to all the provisions of this chapter and any other laws applicable thereto, whether the same be in existence at the time of issuance of such

license or be enacted or amended from time to time thereafter; and to all rules and regulations of the commission as the same may exist, or be adopted, amended or repealed from time to time;

“(2) No beverage shall be sold or furnished under such license in any manner other than as provided and intended for the class to which the same belongs and the kind of business in such license specified;

“(3) No gambling or other violation of any law shall be permitted in or about any licensed premises;

“(4) No drunken or disorderly person shall be permitted to be or remain in or about any licensed premises;

“(5) Any licensed premises shall at all times be open to inspection by any inspector, any member of the commission, and any sheriff, deputy sheriff, chief of police, or other police officer;

“(6) For violation of any provisions of this chapter, or any conditions of any such license, or any other provisions of law or any rules and regulations of the commission, the licensee shall be liable to penalties and prosecutions provided by law with respect thereto, in addition to and independently of any action by the commission with respect to his license.

“Sec. 2116P. Revocation, suspension, hearing. In the exercise of the power and authority by this chapter conferred, the commission may revoke any license issued by virtue of its approval, or suspend the right of the licensee to use his license, either for the violation of any condition of such license, or upon the conviction at law of a licensee of the violation of any of the provisions of law relative to his license or the proper exercise thereof, or for any other cause deemed sufficient by the commission; provided, however, that in every case where it is proposed to revoke or suspend the exercise of any license, for any cause other than for a conviction at law of the licensee as above specified in this section, written notice shall be given the holder of such license specifying the cause or causes for which it is proposed to take such action and fixing the date of hearing, such notice to be given at least five days before such hearing. Provided also that when it is deemed urgent by the commission for the proper protection of the public, that a license be immediately or summarily suspended pending the hearing and decision of the charge against the licensee holding the same, such suspension may be made, and if made a copy of the order of suspension shall be served upon the licensee at the same time as the notice of hearing referred to. Any attempt of the licensee to exercise his business while his license is so suspended, shall subject him to all the penalties by this chapter prescribed for the unlawful sale of beverages. At such hearing, before final action is taken by the commission, the licensee shall be entitled to



be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for such proposed action do not exist, or any reasons why no penalty should be imposed.

“Sec. 2116Q. Cancellation of license. If a licensee shall become a legally adjudicated bankrupt, or make an assignment for the benefit of his creditors, or shall die, before the expiration of the term of his license, his trustee in bankruptcy, assignee, executor or administrator, as the case may be, may, with the consent of the commission, continue to exercise such license for the purpose of closing the affairs of such estate.

“If the use of the premises covered by any license shall become lost to the licensee by reason of being sold under foreclosure proceedings, or a civil execution, or other legal process, or for any other cause, which shall force a cessation of the business of the licensee thereon under such license (other than by a revocation or suspension of his license under this chapter), and no proper permission is obtained by the licensee to continue his business under said license at some other place, the commission shall cancel said license.

“Sec. 2116R. Sale without license, legal when. In case a license is revoked the licensee may sell the beverage then in his possession to persons out of the Territory or to other licensees. In case beverage is taken from a licensee under foreclosure proceedings, or by a civil execution or other judicial process, the mortgagee, or any officer appointed for such purpose by law or judicial authority may sell such beverage at auction as herein provided, or to persons out of the Territory, or to other licensees, but every such sale shall be accompanied by immediate and actual delivery. The commission upon good cause being shown therefor, as in this section provided, shall issue authority to conduct such sale without a license fee, subject to such conditions, rules and regulations as the commission may from time to time adopt or prescribe to prevent the violation of any provision of this chapter.

“Sec. 2116S. Manufacture or sale in Kalawao county. In the county of Kalawao beverage may be manufactured or sold only by such person or persons and only under such conditions as may be permitted or prescribed from time to time by the board of leper hospitals and settlement.

“Sec. 2116T. Chapter 126 inapplicable. Nothing in Chapter 126 contained shall apply to, or to any act or failure to act in respect of, any beverage as defined by this chapter, unless such beverage shall be contained in bottles, casks, barrels, kegs or other

containers not labeled and sealed as may be prescribed by the statutes of the United States or regulations adopted pursuant thereto.

"Sec. 2116U. Penalties. Any person violating any provision of this chapter, or any rule or regulation adopted by the commission pursuant thereto, for which violation no other penalty is otherwise prescribed, shall be guilty of a misdemeanor punishable by fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year (in the case of natural persons) or both such fine and imprisonment.

"Sec. 2116V. Construction of chapter, effect of invalidity. This chapter shall not be construed as in any manner purporting to legalize or authorize the performance of, or the failure to perform, any act in contravention of the Constitution and laws of the United States of America. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of such chapter and the application of such provision, to other persons or circumstances, shall not be affected thereby."

SECTION 2. This Act shall take effect upon its approval.

Approved this 7th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 34

[H. B. No. 104]

AN ACT TO AMEND CHAPTER 87 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PHARMACY, BY AMENDING SECTION 1090 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 87 of the Revised Laws of Hawaii 1925, is hereby amended by adding to Section 1090 thereof a new proviso to read as follows:

"Provided, further, (1) that nothing in this chapter shall prohibit the sale, distribution or compounding of poisons for the destruction of weeds by persons other than licensed pharmacists; and (2) that such poisonous household remedies and rodent or insect

destroyers as the board of health shall find and by rule and regulation define to be in such common use, and the poisonous qualities thereof to be so well known, that the sale, distribution, or compounding thereof may be so authorized without substantial danger to the public, may be sold, distributed or compounded by persons other than licensed pharmacists under such restrictions as the board of health shall by rule and regulation prescribe."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 35

[S. B. No. 80]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO AMEND THE SECOND PARAGRAPH OF SECTION 4.120 OF ORDINANCE NO. 490 AND SECTION 5.215 OF ORDINANCE NO. 503 OF THE CITY AND COUNTY OF HONOLULU, REVISING AND DEFINING THE BOUNDARIES OF FIRE DISTRICT NO. 2 AND BUSINESS DISTRICT NO. 17.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized, empowered and directed to amend the second paragraph of Section 4.120 of Ordinance No. 490 of the city and county of Honolulu, revising and defining the boundaries of fire district No. 2 to include the following portion of the city of Honolulu:

"Commencing at a point 100 feet mauka of the mauka boundary of Beretania Street and 100 feet waikiki of the waikiki boundary of Emma Street; thence, mauka and parallel to Emma Street to a point 100 feet mauka of the mauka boundary of Kukui Street, extended; thence parallel to Kukui Street, to a point 100 feet waikiki of the waikiki boundary of Liliha Street; thence, mauka and parallel to Liliha Street to a point 100 feet mauka of the mauka boundary of Vineyard Street; thence, parallel to Vineyard Street to a point 100 feet ewa of the ewa boundary of Liliha Street; thence, makai and parallel to Liliha Street to a point 100 feet

mauka of the mauka boundary of King Street; thence, parallel to King Street to Palama Street; thence, along the center line of Palama Street, extended, to a point 100 feet makai of the makai boundary of King Street; thence, parallel to King Street to a point 100 feet ewa of the ewa boundary of River Street; thence, parallel to River Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence, parallel to Beretania Street to the point of beginning."

SECTION 2. The ordinances in this Act referred to shall not be further amended by the said board of supervisors at any time within two years from and after the date of approval of this Act.

SECTION 3. The said board of supervisors shall, by the same ordinance, amend Section 5.215 of Ordinance No. 503, extending the boundaries of Business District No. 17, said extension to include the following portion of the city of Honolulu:

"Commencing at a point 100 feet waikiki of the waikiki boundary of Punchbowl Street and 100 feet mauka of the mauka boundary of Beretania Street; thence, mauka and parallel to Punchbowl Street to a point 100 feet mauka of the mauka boundary of Vineyard Street; thence, parallel to Vineyard Street to a point 100 feet waikiki of the waikiki boundary of Liliha Street; thence, makai and parallel to Liliha Street to a point 100 feet mauka of the mauka boundary of Kukui Street; thence, parallel to Kukui Street to a point 100 feet waikiki of the waikiki boundary of Emma Street; thence, makai and parallel to Emma Street to a point 100 feet mauka of the mauka boundary of Beretania Street; thence, parallel to Beretania Street to the point of beginning."

SECTION 4. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 36

[H. B. No. 40]

## AN ACT RELATING TO THE LICENSING OF EMBALMERS, UNDERTAKERS OR FUNERAL DIRECTORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Licensed by board of health. The board of health of the territory shall have power, upon the payment to it of an examination fee of ten dollars (\$10.00), to examine, or cause to be examined by not less than two practicing embalmers, undertakers and funeral directors, any resident of the Territory of Hawaii over twenty years of age, of good moral character, who shall have had not less than two years practical experience under the supervision of a registered embalmer or undertaker in the Territory of Hawaii, or who shall have had one year of such practical experience and shall have completed a regular course of instruction in a recognized school of embalming. Every such person who shall pass the examination shall be given a license as an embalmer. All examinations shall be conducted in writing and supplemented by practical demonstrations and shall be upon such subjects as the board may by regulation prescribe. Provided, however, that any person who shall have been engaged in the practice of embalming, undertaking and funeral directing for at least two years may, upon application to the board of health within thirty (30) days after the passage of this Act, be so licensed without examination upon the payment of the fee of ten dollars (\$10.00).

SECTION 2. Renewal of license. Each licensed embalmer or licensed undertaker or funeral director shall, between July 1st and 10th of each year, renew his license by registering with the board of health, and by paying a renewal fee of five dollars (\$5.00). Every license that is not so renewed shall expire on the 1st day of August and shall not be renewed except upon the payment of twenty-five dollars (\$25.00).

SECTION 3. Registration of apprentices. Any person at least eighteen (18) years of age, who holds a high school certificate, may qualify as an apprentice under a regularly licensed embalmer. He must register with the board of health, and upon the payment of a fee of one dollar, a certificate of apprenticeship shall be issued him.

On or between July 1st and 10th of each year, he shall renew his certificate of registration and pay a renewal fee of one dollar. If said renewal fee is not paid within thirty (30) days from the date due, a penalty fee of five dollars for delinquency shall attach and become a part of the total fee due said board for such renewal.

Any apprentice, or other person performing the duties of embalmer, who shall have been in the active employ of a practicing

embalmer, undertaker or funeral director in the Territory of Hawaii for at least two years prior to the passage of this Act, or one year in Hawaii and one year in any State, or one year in any recognized school of embalming, or who may be the holder of a license as an embalmer in some State, may be eligible for a license as an embalmer without examination, upon application to the board of health within thirty (30) days after the passage of this Act and the payment of the fee of ten dollars (\$10.00) together with an affidavit of his employer certifying to the requirements set forth in Section 1 of this Act and to the length of service in his employ. The applicant shall also file an affidavit of three citizens who have known him during the past two years, certifying to his moral character.

SECTION 4. Expenses of board. All expenses of the board in connection with such examination and registration shall be paid from fees received by it under the provisions of this Act, all of which fees shall be held by the treasurer as a special fund for said purposes.

SECTION 5. Revocation of license. Any such license may be revoked by the board upon proof to its satisfaction of violation of any rule or regulation of the board in any respect in regard thereto. Every person so charged shall be notified in writing of the charge or charges that have been made and of the time and place when and where evidence in support of the same will be heard and shall have the opportunity to present evidence and be heard in his own defense.

SECTION 6. Powers of board to subpoena witnesses, etc. The board of health shall have power to subpoena and examine witnesses under oath upon all such charges as may be preferred before it, and the circuit court of the circuit in which the hearing is held shall enforce by proper proceedings the attendance and testimony of witnesses so subpoenaed.

SECTION 7. Violations; penalty. Any person who shall practice as an embalmer or undertaker without being registered with the board as herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) or imprisoned for a period of not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment.

SECTION 8. This Act shall take effect on July 1, 1933.

Approved this 14th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
 Governor of the Territory of Hawaii.

**ACT 37**

[H. B. No. 97]

AN ACT TO AMEND CHAPTER 209 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WORKMEN'S COMPENSATION, BY ADDING TO SECTION 3617 THEREOF A NEW PARAGRAPH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subdivision (b) of Section 3617 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto between the sixth and fifth last paragraphs thereof a new paragraph to read as follows:

"In cases of permanent partial disability due to the same accidental injury to the thumb and one or more fingers or to two or more fingers of one hand, or to the great toe and one or more toes other than the great toe or to two or more toes other than the great toe of the foot, the percentage of permanent partial disability to total disability for the hand or foot, as the case may be, shall be determined and the compensation hereinbefore prescribed shall be paid for such portion of the period hereinbefore prescribed for total loss or total loss of use of the hand or foot, as such percentage of disability bears to total disability of the hand or foot."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 38**

[H. B. No. 144]

AN ACT TO AMEND SECTION 2551 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ATTORNEYS' FEES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2551 of the Revised Laws of Hawaii 1925, is amended to read as follows:

"Sec. 2551. Attorneys' fees in assumpsit. In all the courts, in all actions of assumpsit there shall be taxed as attorneys' fees, in addition to the attorneys' fees otherwise taxable by law, to be paid

by the losing party and to be included in the sum for which execution may issue, ten per cent. on all sums to one hundred dollars, and two and one-half per cent. in addition on all sums over one hundred dollars, to be computed on the excess over one hundred dollars. The above fee shall be assessed on the amount of the judgment obtained by the plaintiff and upon the amount sued for, if the defendant obtain judgment, provided, however, that the fees provided for by this section shall not be taxed in any action where the plaintiff obtains a judgment which includes attorneys' fees upon a promissory note or other evidence of indebtedness, when such promissory note or other evidence of indebtedness contains a provision for the recovery of costs of collection or attorneys' fees."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 39

[S. B. No. 25]

AN ACT DIRECTING THE TERRITORIAL BOXING COMMISSION OF HAWAII TO PAY INTO THE GENERAL FUND ALL MONEYS RECEIVED BY IT IN EXCESS OF THOSE REQUIRED FOR EXPENSES OF SAID COMMISSION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All moneys received by the territorial boxing commission in excess of the amount required by it for the purpose of defraying its current expenses shall be deposited with the territorial treasurer to the credit of the general fund of the Territory at the close of each fiscal biennium.

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



### ACT 40

[S. B. No. 26]

AN ACT TO AMEND SECTION 3685 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS AND SURVEYORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3685 of the Revised Laws of Hawaii 1925, relating to the registration of professional engineers, architects and surveyors is hereby amended by adding after the fifth sentence thereof, the following:

"The secretary of the board shall, at the close of each fiscal biennium, pay into the general fund of the Territory such portion of the money so deposited as the board may by resolution determine to be in excess of its requirements for the ensuing biennium."

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 41

[H. B. No. 207]

AN ACT TO AMEND SECTION 2492 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TIME OF COMMENCING SUITS AGAINST EXECUTORS AND ADMINISTRATORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2492 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2492. Other suits, commenced when. Executors and administrators shall in no case be liable to suit until the expiration of four calendar months after probate, or the granting of letters of administration, except in cases of rejected claims as provided in Section 2491."

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 42**

[S. B. No. 70]

AN ACT TO AUTHORIZE THE COMMISSIONER OF PUBLIC LANDS ON BEHALF OF THE TERRITORY OF HAWAII TO ENTER INTO A LEASE WITH THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF SAMUEL M. DAMON, DECEASED, COVERING LANDS FOR THE KALIHI HOSPITAL.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commissioner of public lands is hereby authorized and empowered on behalf of the Territory of Hawaii to enter into a lease whereby the trustees under the will and of the estate of Samuel M. Damon, deceased, shall lease to the Territory lands, including the present site, for the Kalihi Hospital, at Moanalua, Oahu, the rentals and other terms and conditions of said lease to be as agreed upon between said trustees and said commissioner, provided, that the rentals shall not exceed sixteen hundred twenty dollars (\$1620.00) per annum.

SECTION 2. The rentals for said lease shall be deemed to be, and hereby are, appropriated out of the general revenues of the Territory not otherwise appropriated, and shall be paid upon vouchers approved by the board of leper hospitals and settlement.

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 43**

[S. B. No. 164]

AN ACT TO AMEND ACT 114 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO MENTAL DISEASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 19 of Act 114 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

“Section 19. Commissioners of insanity. The members of the board of health of the Territory of Hawaii shall constitute the commissioners of insanity. The president of the board of health

shall be the chairman of the commissioners. It shall be the duty of the commissioners to hear all cases brought before them on appeal by any person committed to said hospital, and to investigate and determine the mental condition of patients seeking discharge or parole, and to do and perform such other acts and duties as may be imposed upon or vested in them by the provisions of this Act."

SECTION 2. Section 26 of Act 114 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 26. Service without pay; expenses. The commissioners shall serve without pay. All necessary expenses of the commissioners shall be paid out of any available funds appropriated for the use of the board of health of the Territory of Hawaii in connection with the operation and maintenance of the territorial hospital."

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 44

[H. B. No. 88]

AN ACT TO AMEND CHAPTER 148 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2595-A, RELATING TO THE EXAMINATION OF INJURED PERSONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 148 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 2595-A, to read as follows:

"Sec. 2595-A. Examination of injured persons. The defendant in any action or suit brought for damages on account of personal injury in any court in the Territory of Hawaii shall have the right upon application to the court or to any judge of the court to require the person injured to undergo a physical examination by a competent physician named by the defendant in his application. Or if the court or judge shall find that the injured person has any reasonable and valid objection to such physician then by a competent physician to be designated by the court or judge. Such examination is to be upon such reasonable terms as to time and place as

such court or judge may by order direct. Any information which may be acquired by such physician by making an examination under order of the court may be divulged without the consent of the person so examined."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 45

[H. B. No. 92]

AN ACT TO AMEND SECTION 2621 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TESTIMONY OF PHYSICIANS AND SURGEONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2621 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2621. To clergymen, physicians. No clergyman of any church or religious denomination shall, without the consent of the person making the confession, divulge in any action, suit, or proceeding, whether civil or criminal, any confession made to him in his professional character according to the uses of the church or religious denomination to which he belongs, and no physician or surgeon shall, without the consent of his patient, divulge in any civil suit, action or proceeding (unless the sanity of the patient be the matter in dispute) any information which he may have acquired in attending the patient, and which was necessary to enable him to prescribe or act for the patient; provided, however, that such consent shall be deemed to have been given to any physician or surgeon in every civil suit, action or proceeding which has been brought by any person for damages on account of personal injuries and in all cases in which a party to a suit, action or proceeding shall offer himself or any physician or surgeon or any person as a witness to testify to the physical condition of such party."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 46**

[S. B. No. 139]

AN ACT TO AMEND CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO THE PENSION FUNDS FOR POLICEMEN, FIREMEN AND BANDSMEN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 130 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 2163 thereof, as amended, in the following respects, to-wit:

(1) By deleting therefrom the words "such surgeon or surgeons as may be appointed by the board of trustees", in the second and third lines of paragraph numbered "First" of said section, and substituting therefor the words "the medical board provided for in section 2163A";

(2) By deleting from the same paragraph of said section the words "monthly salary" in the tenth line of said paragraph, and substituting therefor the words "average monthly compensation for the ten years (or less, if he has had less than ten years) of his service, as defined in the next to the last sentence of the succeeding paragraph, immediately preceding his adjudication of disability by the medical board.";

(3) By deleting from the same paragraph of said section the words "surgeon or other surgeon appointed by the board of trustees", in the thirteenth and fourteenth lines of said paragraph, and substituting therefor the words "medical board";

(4) By deleting from the same paragraph the words "surgeon or surgeons appointed by the board of trustees" in the sixth and fifth lines from the end of said paragraph and substituting therefor the words "medical board";

(5) By deleting from paragraph numbered "Second" in said section the words "salary such person was receiving at the time" appearing in the seventh and eighth lines, and the fifteenth and sixteenth lines, respectively, of said paragraph, and substituting for each of said deletions, respectively, the words "average monthly compensation for the ten years of his service, as hereinafter defined, immediately preceding the date".

SECTION 2. Said Chapter 130 is hereby further amended by adding thereto a new section, to be numbered 2163A, and to read as follows:

"Sec. 2163A. Medical board. The board of trustees shall designate a medical board to be composed of three licensed physicians, and in case for any reason any regular member of said board shall be unable to, or in the judgment of the board of trustees may not

properly, act in any particular case, the board may designate a substitute to act on such particular case on said board. The medical board shall arrange for and pass upon all medical examinations required, and shall perform all such other services as may be required of it by the board of trustees, under or pursuant to the provisions of this chapter, and shall report in writing to the board of trustees its conclusions and recommendations upon all the matters referred to it. The medical board shall act by a majority of its members."

SECTION 3. Section 2164 of said Chapter 130 is hereby amended by deleting therefrom the words "surgeon or surgeons appointed by the board of trustees", appearing in the tenth and twenty-third lines, respectively, of said section, and substituting for said deletions, respectively, the words "medical board".

SECTION 4. Section 2167 of said Chapter 130 is hereby amended by deleting therefrom the words "salary such person was receiving at the time of", in the sixth line of said section, and substituting therefor the words "average monthly compensation for the ten years of such service immediately preceding".

SECTION 5. Section 2168 of said Chapter 130 is hereby amended by deleting therefrom the words "salary such person was receiving at the time of" in the last two lines of said section and substituting therefor the words "average monthly compensation for the ten years of such service immediately preceding".

SECTION 6. Said Chapter 130 is hereby further amended by adding thereto a new section, to be numbered 2169B, and to read as follows:

"Sec. 2169B. Public hearings; notice. All adjudications by the board of trustees required by this chapter in connection with applications for pensions, revocations of pensions, or otherwise, shall be made by the board only after public hearings, notice of which shall be given by the board by advertisement at least once in a newspaper, such publication to be made at least ten days before the date of hearing, and actual notice of which shall be given to the person or persons concerned, if available, which notice shall specifically state that the person or persons interested shall have the right to be present in person or by representative and to be represented by counsel."

SECTION 7. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
 Governor of the Territory of Hawaii.

**ACT 47**

[H. B. No. 143]

**AN ACT TO AMEND SECTION 2541 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COSTS IN DISTRICT COURTS.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2541 of the Revised Laws of Hawaii 1925, is amended to read as follows:

"Sec. 2541. Schedule. For all services of the district court, magistrate or clerk in any one cause, two dollars and fifty cents (\$2.50), including the issuance of summons, warrant, attachment or other process and supplementary proceedings, if any; entering of adjournment; administering any oath; issuing subpoena; filing any paper at the request of any party; rendering and entering up judgment; transcript or certificate of judgment; bond or other security drawn by the magistrate; noting an appeal and filing and making a return thereof; and entering any discontinuance.

High sheriff's, sheriff's or police officer's fees: for serving any summons, warrant, attachment or other process, one dollar (\$1.00).

For every copy of an attachment and inventory of the property attached, served upon the defendant, one dollar and fifty cents (\$1.50).

For serving any execution, ten cents (10¢) for every dollar collected up to fifty dollars, and five cents for every dollar over fifty dollars.

For serving subpoena, ten cents (10¢) for each witness.

For every mile of travel, more than one, in serving any process, five cents; provided, however, that no such allowance shall be made where such serving officer uses a conveyance furnished him by the Territory of Hawaii, or any political or municipal subdivision thereof.

For taking care of any property seized under an attachment, his reasonable and necessary expenses. Provided, however, that no caretaker or watchman shall be allowed in excess of three dollars for each twelve hours of service."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 48**

[H. B. No. 223]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO EXCLUDE FROM THE TAX RATE, ALL REQUIREMENTS FOR NEW SCHOOLS, ADDITIONS AND NEW GROUNDS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to exclude all items for new school buildings, additions and new grounds from the special school funds from the 1933 tax rate; and that the sum total of all of the above items, amounting to thirty thousand eight hundred and fifty dollars (\$30,850.00), shall not be used by the territorial treasurer in determining the tax rate for said county for the year 1933.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 49**

[S. B. No. 41]

AN ACT TO REPEAL SECTION 1529 AND TO AMEND SECTION 1531 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PROPERTY OF PRISONERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1529 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 2. Section 1531 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Sec. 1531. Guardians of prisoners, when. Whenever a person is sentenced to imprisonment for any felony for a term exceeding one year, any judge having probate powers may, upon application,



appoint a guardian to have the care and management of said convict's estate, real and personal, during the term of his imprisonment or until he shall be finally discharged from such sentence. The letters of guardianship shall be revoked by the pardon or final discharge of the convict, but such revocation shall not invalidate legal acts done by the guardian."

SECTION 3. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 50

[S. B. No. 50]

AN ACT TO REPEAL SECTION 244 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PAY OF ENLISTED MEN IN THE HAWAII NATIONAL GUARD.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 244 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 51**

[S. B. No. 65]

**AN ACT TO AMEND SECTION 3368 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO INCREASE OF CORPORATION CAPITAL STOCK.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3368 of the Revised Laws of Hawaii 1925, as amended by Act 135 of the Session Laws of Hawaii 1929, and Act 78 of the Session Laws of Hawaii 1931, is hereby further amended to read as follows:

"Sec. 3368. Increase of capital; authorization; certificate to be filed with treasurer. No increase or extension of the capital stock of any corporation organized under the laws of the Territory, having authority under its articles of association or charter to increase its capital stock, shall be legal and effective unless such increase or extension shall have been authorized by a vote of not less than three-fourths of all of the shares of stock, or, if two or more classes of stock have been issued, of three-fourths of each class of stock, outstanding and entitled to vote at any meeting duly called and held for such purpose and unless a certificate shall have first been filed with the treasurer, signed by the president or other duly authorized officer and secretary of the corporation, showing that the meeting had been properly called and held; that the increase, or extension had been authorized by the required vote, and showing also (1) the present authorized capital stock of the corporation; (2) the amount to which the capital stock thereof may be increased or extended under its articles of association or charter; (3) the amount of increase or extension of the capital stock duly authorized by its stockholders; and (4) that ten per cent of the total authorized stock, as increased, has been paid in, or the corporation holds property of a value equal to ten per cent of such increased capital; which certificate shall be accompanied by payment of the fee required to be paid upon the amount of increase so authorized. The treasurer shall not receive or file any such certificate without such payment."

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 52**

[S. B. No. 156]

AN ACT TO AMEND SECTION 1071 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE BOARD OF DENTAL EXAMINERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1071 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1071. Expenses; special fund. All expenses of the board, including the expenses of the enforcement of the provisions of this chapter, shall be paid from the fees received by the board under the provisions of this chapter. All moneys received by the board shall be held in the treasury of the Territory as a special fund for such purposes. And to provide additional moneys for such special fund, every person holding a license to practice dentistry in the Territory shall pay to the board, on or before the first day of January of each year hereafter, an annual registration fee in the sum of two dollars. The failure, neglect or refusal of any duly licensed dentist or doctor of dental surgery to pay such annual tax during the time his license shall remain in force, shall constitute a forfeiture of his license. Such license may be restored upon written application therefor and the payment to the board of the sum of twenty-five dollars."

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 53**

[H. B. No. 17]

AN ACT TO AMEND SECTION 1477 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO EXPENDITURES OF PUBLIC MONEYS; PROCEDURE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1477 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding at the end thereof, the following paragraph:

“In all expenditures of public money for any public work or in the purchase of materials or supplies, preference shall be given to American products, materials and supplies.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 54

[H. B. No. 198]

AN ACT TO AMEND SECTION 1 OF ACT 206 OF THE SESSION LAWS OF 1929, AS AMENDED BY ACT 258 OF THE SESSION LAWS OF 1931, RELATING TO THE CATCHING AND USE OF THE FISH KNOWN AS NEHU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 206 of the Session Laws of 1929, as amended by Act 258 of the Session Laws of 1931, is hereby further amended to read as follows:

“Sec. 1. All nehu caught and taken in or from any of the waters within the jurisdiction of the Territory of Hawaii shall be used only for bait purpose; provided, however, that citizens may lawfully catch nehu for family consumption with a net not longer than forty (40) feet.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 55**

[H. B. No. 317]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE MONEY FOR THE PAYMENT OF FUNERAL EXPENSES INCURRED BY MRS. GEORGE CONRADT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized to appropriate and pay out of the current or general fund the sum of two hundred eighty dollars (\$280.00) to Mrs. George Conradt for the purpose of assisting her in the payment of expenses incurred by her in connection with the funeral of her deceased husband, George Conradt.

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 56**

[H. B. No. 344]

AN ACT TO AMEND CHAPTER 22 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WARRANTS OF NON-COMMISSIONED OFFICERS, BY ADDING THERETO A NEW SECTION, TO BE KNOWN AS SECTION 224-A.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 22 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 224-A, and reading as follows:

"Sec. 224-A. Warrants of non-commissioned officers. The warrants of non-commissioned officers and appointments of privates first-class and rated specialists shall be continued in force after discharge by reason of expiration of term of service, provided they re-enlist on the day following their discharge, and provided, further, that the vacancy caused by their discharge has not been filled."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 57**

[S. B. No. 94]

AN ACT TO AMEND SECTION 626 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 5 OF THE SESSION LAWS OF HAWAII 1925, AND ACT 39, SECOND SPECIAL SESSION LAWS OF HAWAII 1932, AND TO AMEND SECTION 629 OF SAID REVISED LAWS, AS AMENDED BY ACT 215 OF THE SESSION LAWS OF HAWAII 1927, ACT 99 OF THE SESSION LAWS OF HAWAII 1929, AND ACT 39, SECOND SPECIAL SESSION LAWS OF HAWAII 1932, RELATING TO THE TESTING OF CATTLE AND INDEMNIFICATION FOR TUBERCULAR CATTLE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 626 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

“Sec. 626. Dairy cattle; tuberculin tests. All dairy cattle within this Territory shall be tuberculin tested by the territorial veterinarian, his assistant or deputy, as often as in their judgment such testing is necessary in order to prevent, suppress and eradicate bovine tuberculosis. All cattle so tested shall be marked by the territorial veterinarian, his assistant or deputy with some distinguishing mark.”

SECTION 2. The first paragraph of Section 629 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

“Sec. 629. Indemnification. For any animal slaughtered, under the provisions of the foregoing section, the owner shall be paid one-third the difference between the appraised value of each animal so destroyed and the value of the salvage thereof; provided, however, that in no case shall such payment exceed twenty-five dollars (\$25.00) per head; except when no lesions are found, when a payment not to exceed fifty dollars (\$50.00) shall be made; and provided, further, that no compensation shall be paid for tubercular steers or unregistered bulls.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 58**

[H. B. No. 185]

AN ACT TO AMEND SECTION 1888 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 205 OF THE SESSION LAWS OF HAWAII 1927, RELATING TO CIVIL SERVICE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1888 of the Revised Laws of Hawaii 1925, as amended by Act 205 of the Session Laws of Hawaii 1927, is hereby further amended to read as follows:

"Sec. 1888. Examination of applicants. The examination which the rules and regulations shall provide for, shall be public and free for all citizens of the territory over twenty and under thirty-five years of age, with proper limitations as to residence, health, habits and character. The examinations shall be practical in their character and shall be conducted in either the English or the Hawaiian language, at the option of the person examined, and may include tests of manual skill and physical strength. The commission shall control all examinations and may designate suitable persons to conduct them and fix the rate of their compensation which shall be paid by the city and county on the certificate of the secretary of the commission."

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 59**

[H. B. No. 240]

AN ACT TO AMEND SECTION 1618 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO COMPENSATION OF COUNTY OFFICIALS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1618 of the Revised Laws of Hawaii 1925, as amended, comprising the paragraph beginning with the thirteenth and ending with the seventeenth lines, inclusive, thereof, is hereby further amended to read as follows:

"In addition to the foregoing, each member, including the chairman and executive officer, shall be paid mileage at the rate of not exceeding ten cents per mile for each mile necessarily traveled in going to and returning from meetings of such board, provided, that there shall be allowed mileage for no more than one round trip for each meeting regardless of the number of days over which such meeting is extended."

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 60**

[H. B. No. 252]

AN ACT TO AMEND SECTION 1478 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 163 OF THE SESSION LAWS OF 1931, RELATING TO BIDS ON PUBLIC CONTRACTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1478 of the Revised Laws of Hawaii 1925, as amended by Act 163 of the Session Laws of 1931, is hereby further amended by adding to the second paragraph thereof a sentence reading as follows:

"In lieu of the aforesaid deposit of legal tender or certificate of deposit or certified check, a bid may be accompanied by a surety bond executed to such officer by the bidder as principal, and by any corporation organized for the purpose of becoming surety on such bonds, authorized under the laws of the United States or of the territory to act as surety, and doing business in the territory under the provisions of the laws of the United States or of the territory, if a foreign corporation, and under the laws of the territory, if a Hawaiian corporation, as surety, in a penal sum of equal amount, conditioned upon the bidder entering into the contract and furnishing satisfactory security within ten (10) days after the award or within such further time as such officer may allow, if such bidder is awarded the contract."

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



	TERRITORIAL PRISONERS TO COMBAT GORSE PLANT ON MAUI.	[ACT 61]
58	EXTRA COMPENSATION SECRETARY OF HAWAII—REPEALED.	[ACT 62]

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## ACT 61

[S. B. No. 21]

AN ACT MAKING AN APPROPRIATION TO COVER EXPENSES OF TRANSPORTING, GUARDING AND MAINTAINING TERRITORIAL PRISONERS DETAILED TO THE COUNTY OF MAUI TO COMBAT THE GORSE PLANT (COMMON FURZE).

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated from the general fund of the Territory, to be expended during the 1933-1935 biennium, upon vouchers approved by the chairman of the board of prison directors, to cover expenses in transporting, guarding and maintaining territorial prisoners detailed to the county of Maui to combat the gorse plant (common furze) and/or for any other worth-while purpose or project on the island of Maui.

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 62

[H. B. No. 21]

AN ACT TO REPEAL ACT 237, SESSION LAWS OF HAWAII 1927, RELATING TO EXTRA COMPENSATION PAID TO THE SECRETARY OF HAWAII BY THE TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 237 of the Session Laws of Hawaii 1927, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 63**

[H. B. No. 22]

AN ACT TO REPEAL ACT 76, SESSION LAWS OF HAWAII 1931,  
RELATING TO EXTRA COMPENSATION PAID CERTAIN JUDGES  
OF THE CIRCUIT COURTS BY THE TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 76, Session Laws of Hawaii 1931, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 64**

[H. B. No. 26]

AN ACT TO AMEND ACT 7, FIRST SPECIAL SESSION LAWS 1932,  
RELATING TO APPROPRIATIONS FOR THE TEACHERS' COLLEGE  
OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The title of Act 7, First Special Session Laws 1932, is hereby amended by substituting for the word and figures "December 31st, 1933," appearing therein, the word and figures "June 30th, 1933."

SECTION 2. Section 1 of said Act is hereby amended to read as follows:

"Sec. 1. There is hereby appropriated from the general revenues of the territory, not otherwise appropriated, the sum of one hundred sixty-five thousand five hundred sixty dollars (\$165,560.00) to be expended by the board of regents of the University of Hawaii for the Teachers' College of Hawaii for the period commencing January 1, 1932, and ending June 30, 1933."

SECTION 3. Section 2 of said Act is hereby amended by deleting therefrom the following words appearing therein to-wit:

"and in determining the tax rate for the calendar year 1933, shall add to the sum to be raised under said subdivision (9) for

said calendar year, the amount of eighty thousand five hundred sixty dollars (\$80,560.00)."

SECTION 4. Section 3 of said Act is hereby amended by deleting therefrom the four items appearing in the seventh to the tenth lines, both inclusive, thereof, and substituting for said deleted items the following:

"For the period January 1 to June 30, 1933.....	\$40,280.00
A. Personal services .....	\$35,920.00
B. Other current expenses.....	2,335.00
C. Equipment .....	2,025.00

SECTION 5. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 65

[H. B. No. 234]

AN ACT TO PROVIDE FOR THE DISPOSITION OF PERSONAL PROPERTY OF THE COUNTY OF HAWAII, BY ADDING TO THE REVISED LAWS OF HAWAII 1925, A NEW CHAPTER NUMBERED CHAPTER 116-A, COMPRISING SEVEN NEW SECTIONS, CREATING A COUNTY BOARD OF DISPOSAL AND PROVIDING FOR ITS POWERS, DUTIES AND FUNCTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new chapter is hereby added to the Revised Laws of Hawaii 1925, to be numbered Chapter 116-A, and to read as follows:

### "CHAPTER 116-A

"Board of disposal, County of Hawaii.

"Sec. 1694-A. Prohibited, except when. No personal property belonging to the County of Hawaii shall be sold, exchanged or otherwise disposed of except in accordance with the provisions of this chapter.

"Sec. 1694-B. Procedure for sale, etc. Whenever any officer or employee of said county having the control of any such property is desirous of selling, exchanging or otherwise disposing of the

same, he shall make written application to the auditor, the treasurer and the county attorney of said county, who are hereby constituted a board of disposal, for permission to make such sale, exchange or other disposition of such property, which application shall contain the following statement, verified by oath:

- "1. Name and official position of applicant;
- "2. Kind of property and full description thereof;
- "3. Purposes for which such property is used;
- "4. Estimated value of such property;
- "5. Reasons for selling, exchanging or otherwise disposing of such property;
- "6. What offer, if any, has been made for such property.

"Sec. 1694-C. Board of disposal; powers. Upon the receipt of such application, such board of disposal shall consider the same and may call for further statements in connection therewith. It shall have power in its discretion to grant or refuse the permission sought for. In case permission is granted, it shall have power to determine the manner and method by which any sale, exchange or other disposition shall be made.

"Sec. 1694-D. Proceeds. All moneys received from the sale or other disposition of any personal property shall be credited as a realization of the office, board or department having the control of such property.

"Sec. 1694-E. Records. The records of all proceedings of the board of disposal shall be kept in the office of the county auditor.

"Sec. 1694-F. Chairman of board; powers. The county auditor shall be the chairman of the board of disposal and he shall have authority to sign such orders, instruments and other documents as may be adopted by such board.

"Sec. 1694-G. Report to the board of supervisors. The said board of disposal shall file, whenever it disposes, sells or exchanges any county property, a report with the board of supervisors. The said report shall contain a detailed statement of said board's actions with reference to the disposition of any personal property."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 66

[H. B. No. 281]

AN ACT TO AMEND CHAPTER 178 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION NUMBERED 3044A, PROVIDING FOR THE SUPPORT OF INDIGENT PARENTS BY CHILDREN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 178 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be numbered 3044A and to read as follows:

"Sec. 3044A. Support of indigent parents. The adult children of any person who for any reason is incapable of self-support shall be liable, to the extent of their financial ability, for the support of such person. Upon information of the attorney general or any county or city and county attorney, or upon the sworn complaint of any person in charge of any public or private hospital or institution for the care of indigent persons, or of any other person, or of such indigent person himself, of his own knowledge or upon information or belief, as the case may be, setting forth that such person is indigent and incapable of self-support and has a child or children (giving their names and addresses as far as known) financially able to support such indigent person, filed in the circuit court of any circuit wherein such children or any of them reside, or in which such indigent person is at the time, the judge of said court may cite such children or any of them to appear before him to show cause why they should not pay such sum or sums as may be in the discretion of the judge necessary for the maintenance and support of such indigent person. If after due hearing the judge shall find that such person is indigent and incapable of self-support in whole or in part, as the case may be, the judge may make such order or orders from time to time and upon such terms and conditions as he may prescribe for the maintenance and support of such indigent person as he may deem necessary and reasonable, having due regard to the needs of such indigent person and the financial status of such children or any of them and all of the circumstances of the case, and may enforce such order or orders by summary process.

It shall be the duty of the attorney general, or the county or city and county attorney, to prosecute all proceedings arising under this section."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 67**

[H. B. No. 73]

AN ACT TO PROVIDE FOR THE MORE EFFECTIVE ENFORCEMENT OF THE TERRITORIAL LAWS RELATING TO THE REGISTRATION OF VOTERS BY AMENDING CHAPTERS 10 AND 95 OF THE REVISED LAWS OF HAWAII 1925, SO AS TO PROVIDE FOR THE FURNISHING OF CERTAIN INFORMATION TO THE COUNTY CLERKS AND FOR APPROPRIATE ACTION THEREON BY SUCH CLERKS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 10 of the Revised Laws of Hawaii 1925. is hereby amended by adding thereto a new section to be numbered 73-A, and to read as follows:

“Sec. 73-A. Clerk to correct register. Whenever the clerk shall receive from any informing agency mentioned in Sections 1221-A and 1221-B, information of the death, conviction of crime, adjudication of insanity or feeble-mindedness, loss of citizenship, or any other disqualification to vote, of any person registered to vote in his county, or whom he has reason to believe may be registered to vote therein, he shall thereupon make such investigation as he may deem necessary to prove or disprove such information, giving the person concerned (if available) notice and an opportunity to be heard, and if after such investigation he finds that such person is dead or insane or an idiot, or has been convicted of a crime punishable by imprisonment for a term exceeding one year, or has lost his citizenship or is disqualified for any other reason to vote, he shall strike the name of such person from such register in the manner provided for in Section 73. The Clerk shall make and keep an index of all information furnished to him under any requirements of law concerning any of the matters in this section mentioned and whenever any person shall make application to register as a voter, the clerk shall, before registering such person, consult such index for the purpose of ascertaining whether or not such person is in any manner disqualified to vote. Any person whose name is stricken from the register of voters under this section may appeal in the manner provided by Sections 70 and 82, and such proceedings shall be had upon such appeal as in other appeals under said sections.”

SECTION 2. Chapter 95 of said Revised Laws is hereby amended by adding thereto two new sections to be numbered 1221-A and 1221-B and to read as follows:

"Sec. 1221-A. Reports to county clerks. The registrar general shall within ten days after the end of each month deliver, or forward by mail, to the county clerk of each county or city and county a list of the names of all citizens of twenty-one years of age or over whose deaths have been recorded in the bureau of vital statistics during such month. Such list shall set forth such portion of the information contained in the death record of each citizen whose death is so reported as will be of assistance to the county clerk in his identification.

"Sec. 1221-B. Court proceedings. Whenever in any circuit court within the territory or before any circuit judge or district magistrate any citizen of eighteen years of age or over shall be (a) convicted of any crime punishable by imprisonment for more than one year, whether such penalty is imposed or not, or (b) by reason of insanity be acquitted of any such crime, or (c) be adjudged insane or feeble-minded or otherwise legally incompetent, the clerk of said court or the magistrate, as the case may be, shall in each case within ten days thereafter make and promptly transmit to the clerk of each county or city and county a certificate showing the fact of such conviction or adjudication and a sufficient identifying description of such citizen.

"Whenever and as often as the bureau of crime statistics of the territory shall receive any record of the conviction of any citizen of eighteen years of age or over in the United States district court for the Territory of Hawaii of any crime punishable by imprisonment for more than one year, whether such penalty is imposed or not, the director of said bureau shall within ten days similarly make and transmit a certificate of such information to the clerk of each county or city and county with a sufficient identifying description of such citizen."

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 68**

[H. B. No. 156]

AN ACT TO AMEND SECTION 3000 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CURTESY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3000 of the Revised Laws of Hawaii 1925, is hereby amended by amending the last sentence thereof to read as follows:

"In case the wife shall die first and intestate, then, except as in this section provided, her property shall immediately descend to her heirs, but shall be in all cases, whether she die testate or intestate, subject to a life interest in the husband in one-third of the wife's real estate; the husband shall also, whether the wife die testate or intestate, be entitled, by way of curtesy, to an absolute property in the one-third part of all the wife's movable effects, in possession, or reducible to possession, at the time of her death, after the payment of all her just debts. Provided, that if any provision be made for the widower in the will of his wife, he shall be subject to the same requirements with respect to election between his curtesy and the provisions of the will, or taking under both, as is a widow in similar circumstances under the provisions of Sections 3030 and 3031."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 69**

[S. B. No. 9]

AN ACT PROVIDING FOR THE CONSTRUCTION, BY PRISON LABOR, OF A ROUGH BASE FOR A ROAD FROM WAIANAE AROUND KAENA POINT TO KAWAIHAPAI, OAHU, AND PROVIDING AN APPROPRIATION FOR THE EXPENSES THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The superintendent of public works is hereby directed to proceed immediately to survey a proper right-of-way for a road from Waianae via Kaena Point to Kawaihapai, Oahu, which shall be in conformity with the various requirements of the federal



highway act. He shall properly stake out those portions thereof which are located on territorial land and forward to the commissioner of public lands descriptions of those portions thereof which are located on other lands. These latter parcels shall be acquired by said commissioner as soon as is feasible, either by purchase or exchange, or if necessary by condemnation through the said superintendent, using such funds as are available for such purpose. As such parcels are acquired they shall be similarly staked out by said superintendent.

SECTION 2. It shall be the duty of the warden of Oahu prison to detail and maintain as many prisoners as is feasible to construct upon the aforesaid right-of-way a rough road base suitable to be used later as the foundation of a permanent highway. In such work he shall be guided by the advice and assistance of the territorial highway engineer. In establishing camps for the prisoners, the warden shall confine the same to Kaena Point or the immediate vicinity thereof.

It is hereby declared to be the intent of this Act to enable the warden to discontinue, or at least substantially minimize, the use of prisoners on the public works within all city limits, thus affording labor for others during the period of economic stress and reducing the risk to urban communities of depredations by escaped prisoners.

SECTION 3. There is hereby appropriated from the general fund of the Territory the sum of five thousand dollars (\$5,000.00), to be expended by the board of prison directors, with the approval of the governor, for the erection of a prison camp or camps on government lands adjacent to the above mentioned right-of-way, for tools and equipment necessary for the work herein specified, for transportation of men and supplies for such work, for additional guards, and any and all other additional expenses made necessary hereby, including the acquisition of such portions of the right-of-way as cannot be acquired from other funds.

SECTION 4. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 70**

[S. B. No. 23]

AN ACT TO REPEAL SECTION 1457 OF THE REVISED LAWS OF HAWAII 1925, AND SECTION 1468 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO THE AUDIT OF PUBLIC ACCOUNTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1457 of the Revised Laws of Hawaii 1925, and Section 1468 of the Revised Laws of Hawaii 1925, as amended, are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 71**

[S. B. No. 54]

AN ACT MAKING AN APPROPRIATION FOR THE RENOVATION AND/OR EXTENSION OF THE PRISON CAMP AT WAIAKEA, SOUTH HILO; FOR THE TRANSPORTATION AND HOUSING OF PRISONERS, AND THE PURCHASE OF TOOLS AND APPLIANCES FOR USE BY PRISONERS ON PUBLIC PROJECTS IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii for the renovation and/or extension of the prison camp at Waiakea, South Hilo, county of Hawaii, to house seventy-five prisoners, and to cover the expense of transporting and housing such prisoners as may be detailed, pursuant to Section 1523 of the Revised Laws of Hawaii 1925, as amended, to the District of South Hilo, county of Hawaii, for the maintenance and improvement of the Waiakea Airport, the Wailoa River Park grounds and any other public project or work at any other place in the district of South Hilo, county of Hawaii, as may be agreed upon by the board of prison directors and the board of supervisors of the county of Hawaii, and for the transportation and housing of such prisoners as may be detailed for labor thereon, and for the purchase of necessary tools and appliances for use by such prisoners upon any such project or work. Provided, that all unexpended

moneys appropriated by Act 277 of the Session Laws of Hawaii 1927, Act 129 of the Session Laws of Hawaii 1929, and Act 87 of the Session Laws of Hawaii 1931, shall be available for the purposes of this Act.

SECTION 2. All expenditures shall be made upon vouchers approved by the chairman of the board of prison directors.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 72

[S. B. No. 81]

AN ACT TO AMEND SECTION 3589 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INTEREST.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3589 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3589. Usury; penalty. Any person who directly or indirectly receives any interest, discount or consideration for or upon the loan or forbearance to enforce the payment of money, goods or things in action, at a rate greater than two per centum per month or who, by any method or device whatsoever, receives or arranges for the receipt of interest, increase or profit at a greater rate than two per centum per month on any loan made by him shall be guilty of usury and shall be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. The said rate of two per centum per month shall cover all commissions, fees, charges, interest, increase and profit of every character whatsoever."

SECTION 2. This Act shall take effect upon its approval, provided, however, that said Section 3589 as it existed prior to the amendment thereof by this Act shall continue in full force and effect as to all violations thereof occurring prior to the effective date of this Act.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

# ACT 73

[S. B. No. 90]

## AN ACT EMPOWERING THE BOARD OF HEALTH TO REGULATE THE LAUNDERING OF LINEN AND UNIFORMS USED IN CER- TAIN BUSINESSES AND PROFESSIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of health of the Territory of Hawaii is hereby empowered to prescribe rules governing the laundering and sterilization of all articles of linen and uniforms used by and/or in the following businesses and professions, to-wit:

Barber shops, manicure shops, beauty parlors, restaurants, soda fountains, hotels, rooming and boarding houses, bakeries, butcher shops, public bath houses, midwives, masseurs, and others in similar calling, public or private hospitals, and canneries and bottling works where foods and/or beverages are canned or bottled for public consumption or sale. Provided, however, that nothing in this Act contained shall be construed as authorizing the prohibiting of such laundering and sterilization by those conducting any of the said businesses or professions where such laundering or sterilization is done in an efficient and sanitary manner.

SECTION 2. Any rule and regulation prescribed by the board of health pursuant to the provisions of this Act shall, upon publication in a newspaper of general circulation throughout the Territory, have the effect of law.

SECTION 3. Any person who shall be convicted of the violation of any rule or regulation promulgated by the board of health as in this Act provided shall be fined not to exceed one hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days, or both.

SECTION 4. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 74**

[S. B. No. 157]

AN ACT TO AMEND ACT 33 OF THE SESSION LAWS OF HAWAII 1931, RELATING TO THE TEMPORARY USE OF TERRITORIAL FUNDS, AND TO MAKE SAID ACT APPLICABLE ALSO TO COUNTY AND CITY AND COUNTY FUNDS, AND TO REPEAL ACT 238 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO THE TEMPORARY USE OF CITY AND COUNTY FUNDS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 33 of the Session Laws of Hawaii 1931, is hereby amended to read as follows:

"Section 1. Temporary use of funds. The treasurers of the Territory and of each county and city and county are hereby authorized, by and with the consent of the governor, in the case of territorial funds, and of the board of supervisors, in the case of county or city and county funds, to use any portion of moneys belonging to any funds under their control, save and except pension or retirement funds, funds set aside for the redemption of bonds or the payment of interest thereon, and private trust funds, for use by the respective treasurers for the purpose of paying warrants drawn against any fund temporarily depleted; provided, however, that all sums so used shall be repaid to the credit of the fund or funds from which taken immediately after the replenishment of such depleted fund or funds."

SECTION 2. Act 238 of the Session Laws of Hawaii 1925, is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 75**

[S. B. No. 165]

AN ACT TO AMEND SECTION 1790-M OF ACT 175 OF THE SESSION LAWS OF HAWAII 1931, RELATING TO THE PARK BOARD OF THE CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1790-M of Act 175 of the Session Laws of Hawaii 1931, is hereby amended to read as follows:

"Section 1790-M. Appropriations. The board of supervisors shall appropriate for the use of the park board from general funds of the city and county, a sum of not less than seventy-five thousand dollars (\$75,000.00) per annum for the maintenance of parks and playgrounds. The board of supervisors may from time to time in its discretion appropriate from the proper funds moneys to be used by the park board in the furtherance of its park development plans."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 76**

[S. B. No. 189]

AN ACT TO PROVIDE FOR THE TRANSFER TO THE TAX COMMISSIONER OF ALL PERSONAL PROPERTY IN THE POSSESSION OR CUSTODY OF THE TAX BOARD AND TO REAPPROPRIATE FOR THE USE OF THE TAX COMMISSIONER THE UNEXPENDED BALANCES OF THE APPROPRIATIONS MADE BY ACT 57 OF THE SESSION LAWS OF HAWAII 1929, OR BY ACT 188 OF THE SESSION LAWS OF HAWAII 1931, AS AMENDED BY ACT 51, SECOND SPECIAL SESSION LAWS 1932.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Immediately upon the effective date of this Act all property, including furniture and fixtures, equipment, records, stationery and supplies, in the possession or custody of the tax board of the Territory of Hawaii created by Act 57 of the Session Laws

of Hawaii 1929, as amended by Act 188 of the Session Laws of Hawaii 1931, shall forthwith be transferred to or into the custody and control of the tax commissioner for the use of his department.

SECTION 2. The unexpended and unencumbered balances of the moneys appropriated by said Act 57 of the Session Laws of Hawaii 1929, or by said Act 188 of the Session Laws of Hawaii 1931, as amended by Act 51, Second Special Session Laws 1932, are hereby reappropriated for the use of the tax commissioner of the Territory to be expended by him for any of the purposes of his department.

SECTION 3. This Act shall take effect on April 30, 1933.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 77

[S. B. No. 190]

AN ACT TO AMEND ACT 78 OF THE SESSION LAWS OF HAWAII 1925, AS AMENDED, RELATING TO FEDERAL AID FOR HIGHWAYS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 5 of the Hawaii federal aid highway act (Act 78 of the Session Laws of Hawaii 1925, as amended by Act 53 of the Session Laws of 1929, by Act 95 of the Session Laws of 1931, and by Act 64, Second Special Session Laws 1932,) is hereby amended:

(1) By inserting therein, in the eighth line thereof, after the words "such contract", as the same appear on page 53 of the Session Laws of Hawaii 1929, a "comma" and the following words: "except as hereinafter provided,"; and

(2) By adding thereto, at the end thereof, two new paragraphs to read as follows:

"Provided, however, that, in the event that (a) due to differences between the actual quantities of work performed, as finally determined upon completion of the contract, and the quantities set forth in the estimates upon which the portions of the contract price payable, respectively, from local funds and from federal aid funds

have been computed, or (b) due to errors in the calculations upon which the apportionment of the contract price between local and federal aid funds has been based, the amount of federal aid funds actually payable to the Territory upon such contract shall be less than the amount stated in such contract to be payable out of such federal aid funds, the amount of the difference between said estimated, and said actual, amount of federal aid funds so payable, not to exceed, however, in the case of any one contract the sum of five thousand dollars, may be paid to the contractor out of any additional moneys available in the appropriation or appropriations of local funds from which is payable the Territory's portion of such contract price, and/or out of the territorial highway fund created by Section 12 of Act 19, First Special Session Laws 1932; such payment to be made upon vouchers approved by the territorial highway engineer, Section 1479 of said Revised Laws and any other provisions of law to the contrary notwithstanding.

"Provided, further, that any moneys appropriated for the Territory's share of the contract price and/or any moneys in the territorial highway fund created by Section 12 of Act 19, First Special Session Laws 1932, in the discretion of the territorial highway engineer, may be drawn upon to advance to contractors upon federal aid projects partial payments due to such contractors for completed portions of the work, payable out of federal aid moneys, where the necessary federal aid moneys are not immediately forthcoming from the federal government, such appropriation and/or fund to be reimbursed for such advances from such federal aid moneys when received by the Territory."

SECTION 2. This Act shall take effect upon its approval and shall apply to pending, as well as future, federal aid projects.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 78

[S. B. No. 206]

AN ACT RELATING TO THE MANAGEMENT OF THE KULA SANITARIUM OF THE COUNTY OF MAUI.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The chairman and executive officer of the board of supervisors of the county of Maui shall, with the approval of said



board, appoint a board to be known as the "managing committee of the Kula Sanitarium", consisting of five (5) members, to serve without pay, who shall hold office for a term of four years, provided, however, that on the first appointment of the managing committee two of said members shall be appointed for a term of four years and the remaining members for two years; and that thereafter all appointments shall be for four years; that said managing committee shall select their own chairman from the members thereof and may establish rules and regulations for the conduct of its business and of the business of the Kula Sanitarium.

SECTION 2. The managing committee of the Kula Sanitarium shall have the full management and control of the said Kula Sanitarium, the improvements thereto and the maintenance and equipment thereof, including any preventorium now used in conjunction therewith and the full control of the expenditure of all moneys made available by law or otherwise for the improvement, maintenance and equipment of said Sanitarium.

SECTION 3. The managing committee of the Kula Sanitarium may employ such officers, doctors, nurses and other employees as they may deem necessary for the conduct of said Sanitarium and may fix and pay the salaries and wages thereof.

SECTION 4. The county attorney of the county of Maui shall be and act as the legal adviser of said managing committee.

SECTION 5. All moneys made available for the use of the said managing committee of the Kula Sanitarium shall be placed in a special fund, and shall be paid out on warrants drawn by the auditor of the county of Maui, upon claims and vouchers duly examined, approved and directed to be paid by the managing committee of the Kula Sanitarium.

SECTION 6. The managing committee of the Kula Sanitarium shall make regular reports, as required by the board of supervisors of the county of Maui, as to the conduct and management of the Kula Sanitarium and the condition thereof.

SECTION 7. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD.  
Governor of the Territory of Hawaii.

**ACT 79**

[S. B. No. 207]

AN ACT RELATING TO THE LICENSING AND REGULATION OF THE SALE OF CERTAIN MALT, VINOUS AND OTHER BEVERAGES AND AMENDING SECTION 2116-I OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 33, SESSION LAWS 1933.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2116-I of the Revised Laws of Hawaii 1925, as enacted by Act 33, Session Laws 1933, is hereby amended by adding thereto, following subdivision (6), a subdivision to be known as subdivision "(7)" and to read as follows:

"(7) Steamer license. A steamer license may be issued to the owner of any vessel regularly engaged in the business of carrying passengers and having a home port in the Territory of Hawaii. Such license shall authorize the holder thereof to sell beverages on said vessel within such waters to persons for consumption thereon. Such license shall be issued by the commission of the county within which the home port of such vessel is located. The fee for such license shall be \$50.00 per annum per vessel."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 80**

[S. B. No. 212]

AN ACT TO AMEND SECTION 162 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GOVERNMENTAL REGULATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 162 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 162. Salaries withheld for indebtedness. In case any officer, agent, employee or other person in the public service shall be indebted to the Territory, any county or city and county, or any department or bureau thereof, his salary or compensation shall be withheld by the head of the proper department or the officer

authorized to settle his accounts until such indebtedness is fully paid and discharged.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 81

[S. B. No. 220]

AN ACT TO AMEND ACT 55 OF THE SESSION LAWS OF HAWAII 1925, AS AMENDED, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII, BY AMENDING SECTION 12 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE NUMBERED 12A, PROVIDING FOR THE GARNISHMENT IN CERTAIN CASES OF MONEYS DUE MEMBERS OF SAID SYSTEM UNDER SAID ACT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 55 of the Session Laws of Hawaii 1925, as amended, is hereby further amended by inserting in Section 12 thereof, immediately following the word “and” in the eighth line of said section, a “comma” and the words “except as in Section 12A provided.”.

SECTION 2. Said Act is hereby further amended by adding thereto a new section to be numbered 12A and to read as follows:

“Section 12A. Garnishment in certain cases; procedure. Whenever any public officer (which term, as used in this section, shall be taken to mean the auditor or attorney general of the Territory, or any county or city and county auditor or county or city and county attorney, or the head of any department, bureau, board or other agency of the Territory or any county or city and county) shall find, or shall have reason to believe, that any person entitled to any moneys mentioned in Section 12 (such person being herein-after in this section designated as the defendant) has embezzled, stolen, or otherwise unlawfully taken, received, retained or failed properly to account for, any property or funds belonging, and which have not been returned or repaid, to the government (which term as used in this section shall mean and include the Territory, or any county or city and county, or any department, bureau, board, or other agency thereof), he shall promptly notify the board of trustees thereof in writing requesting said board to with-

hold payment of such moneys to the defendant pending the investigation hereinafter provided for, and shall proceed promptly to make such investigation as he shall deem necessary to ascertain the facts. If after such investigation he shall find insufficient evidence in his judgment to warrant the action hereinafter provided for, or if such investigation shall exonerate the defendant, he shall promptly notify said board in writing of such finding and shall withdraw such notice to withhold. If, however, in his judgment, the evidence warrants such action he shall forthwith bring suit in the name of the Territory, county or city and county, or the department, bureau, board or other agency concerned (if it is authorized by law to sue in its own name), as the case may be, against the defendant in a court having jurisdiction of the amount of the judgment prayed for in any district or circuit (as the case may be) in which the defendant can be found or resides, or in the circuit court of the first judicial circuit, setting forth of his own knowledge or on information and belief, as the case may be, the facts of the case, including the amount of funds and/or the value and description of the property alleged to have been embezzled, stolen, or otherwise unlawfully taken, received or retained, or not properly accounted for, naming said board as garnishee, and praying for judgment against the defendant and for the issuance of garnishment process against said board. All such courts are hereby given jurisdiction of such actions. The form of such complaint and summons shall be similar, as nearly as may be, to that used in proceedings against government beneficiaries under Chapter 164 of the Revised Laws of Hawaii 1925, and the action authorized by this section shall lie notwithstanding the fact that the claim in certain cases may be for an unliquidated amount or may sound in tort. Upon receipt of such notice said board shall withhold the payment of such moneys to the defendant for the period and in the manner hereinafter provided. If the garnishment process hereinabove mentioned is not served upon said board within the period of sixty days after receipt by the board of such notice to withhold, or if before the expiration of such period such notice to withhold shall be withdrawn, said board shall thereupon pay such moneys to the defendant.

"If, however, such garnishment process is served upon said board within said period, it shall be unlawful for said board to pay any of such moneys to the defendant or his order until such garnishment proceedings shall have been withdrawn or dismissed, or the judgment, if any, obtained against the defendant shall have been fully paid, either of which events, as the case may be, shall be certified by the court, in or before which such proceeding has been pending. Such moneys so withheld from the defendant shall be deemed sequestered in the custody of said board from the time of such service on said board; provided, that at any time after

such service upon said board, the court, upon the consent of the plaintiff or upon motion of the defendant or of said board and notice to the plaintiff, may determine whether the amount so withheld is excessive in comparison with the judgment that the plaintiff might obtain in such action, and, if so, what part thereof is a reasonable amount to be so secured, and may thereupon release the remainder thereof from being so secured.

"The provisions of Chapter 164 of said Revised Laws of Hawaii 1925, shall be applicable, as nearly as may be, to garnishment proceedings authorized by this section, as to certification of the judgment to the garnishee, payment of such judgment, and other matters not in this section specifically provided for."

SECTION 3. This Act shall take effect upon its approval and shall apply to existing as well as any future claims which the government (as defined in Section 12A of said Act 55, as enacted by the preceding section) might have against any person entitled to any moneys mentioned in Section 12 of said Act 55.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 82

[H. B. No. 134]

AN ACT TO PROVIDE FOR A SALARY FOR A COURT PROBATION  
OFFICER FOR THE FIRST JUDICIAL CIRCUIT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, Act 200 of the Session Laws of 1927, and Act 239 of the Session Laws of 1929, is hereby further amended, by adding under the heading "First Circuit Court" the following new item to read:

	"Per Month	Per Annum
Probation Officer, Criminal Division, under Section 4103-B	\$ 157.50	\$1,890.00."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 83**

[H. B. No. 181]

AN ACT TO AMEND SECTION 2074-A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 189 OF THE SESSION LAWS OF 1931, RELATING TO PAWNBROKERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2074-A of the Revised Laws of Hawaii 1925, as enacted by Act 189 of the Session Laws of 1931, is hereby amended to read as follows:

"Sec. 2074-A. Conduct of auction. In case any pawnbroker shall sell or cause to be sold at public auction any articles pawned or pledged to him, the person conducting such auction shall, in describing any such article, be truthful with respect to the character, quality, kind and description of the same, and such descriptions shall, for the purpose of such sale, be considered as warranties. It shall be unlawful for any pawnbroker to sell at any auction except upon compliance with Section 1974 of the Revised Laws of Hawaii 1925, as amended, or as may hereafter be amended, any personal property other than goods or chattels which have been received by bona fide pledge or pawn or in trade or retrade for goods or chattels pledged or pawned. No auction sale of pledged or pawned chattels shall be held except on the day or days set forth in the pawnbroker's published notice and no articles shall be offered except the articles set forth and described in such published notice. The published notice shall include the date of pledge and a description of each article. The person conducting such auction shall announce the date of publication of notice of sale for each article offered before offering such article for sale. Failure to make such announcement shall be deemed prima facie evidence of failure to comply with this section. Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or both."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 84**

[H. B. No. 237]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE  
COUNTY OF HAWAII TO PAY THE CLAIM OF C. S. TAKAHATA.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to pay to C. S. Takahata the sum of twenty-four and 60/100 dollars (\$24.60) for two automobile tires furnished to the road department, District of Kau, County of Hawaii, on November 18, 1925, charged to the Kau Hospital and not paid for.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 85**

[H. B. No. 288]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII, AT THE REQUEST OF ITS COUNTY SHERIFF, TO APPROPRIATE FROM TIME TO TIME, FOR THE USE OF THE POLICE DEPARTMENT SUMS AGGREGATING NOT LESS THAN ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) PER ANNUM FROM SUCH FUNDS AS ARE AVAILABLE BY LAW FOR SUCH PURPOSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the County of Hawaii, upon the request of the county sheriff, shall appropriate from time to time, for the use of the police department of said county sums aggregating not less than one hundred and fifty thousand dollars (\$150,000.00) per annum from such funds as are available by law for such purposes. The board of supervisors may from time to time in its discretion appropriate from its proper funds additional moneys to be used by the police department.

SECTION 2. Disbursement of funds. All moneys appropriated for the police department shall be disbursed by the county treasurer only upon warrants issued by the county auditor on vouchers

signed by its county sheriff or such officer or employee as the county sheriff may authorize.

SECTION 3. This Act shall take effect July 1, 1933.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 86

[H. B. No. 295]

AN ACT TO AMEND SECTION 175 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO EIGHT-HOUR DAY FOR ALL MECHANICS, LABORERS, CLERKS AND OTHER EMPLOYEES EMPLOYED ON ANY PUBLIC WORK OR IN ANY PUBLIC OFFICE OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 175 of the Revised Laws of Hawaii 1925, as amended by Act 44 of the Session Laws of Hawaii 1925, is hereby further amended to read as follows:

"Sec. 175. Eight hours constitute a day. Eight hours of actual service on any working day, except on Saturday, on which day only five hours of actual service, shall constitute a day's labor for all mechanics, laborers, clerks and other employees employed upon any public work or in any public office of this territory or any political subdivision thereof, whether the work is done by contract or otherwise; provided, however, that except as herein provided, three hundred and thirty-six hours of actual service for twenty-eight days shall constitute legal work for such period for members of the fire department of the City and County of Honolulu, the number of hours for each day's work to be as fixed from time to time by the chief engineer of said department; provided, further, that as to such members such limit may be exceeded in case of emergency; and provided, further, that as a disciplinary measure the chief engineer of said department may require any such member to be or remain on duty for any period not in excess of sixty consecutive days."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



**ACT 87**

[S. B. No. 42]

**AN ACT TO AMEND SECTION 4098 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO INDETERMINATE SENTENCES.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 4098 of the Revised Laws of Hawaii 1925, as amended by Act 38 of the Session Laws of 1931, is hereby amended to read in full as follows:

"Sec. 4098. Indeterminate sentences. In all cases in which a person has been convicted of a felony, except in cases in which the penalty prescribed by law is death, the court in imposing sentence shall impose the maximum term of imprisonment prescribed by law for the crime for which he was convicted; and in all cases in which the penalty prescribed by law may be imprisonment for life or any number of years the court imposing the sentence shall fix the maximum term.

"As soon as practicable and not later than three months after any person sentenced to imprisonment for life or for any term of years has been committed to the territorial prison, the board of prison directors shall make an order fixing the minimum term of imprisonment to be served before he shall become eligible for parole; provided that when the maximum sentence is for life a minimum term shall be fixed at not less than ten nor more than twenty years and shall not be subject to reduction by commutation; and provided further that when a sentence of death is commuted to imprisonment for life the minimum term shall be not less than twenty years to be served without commutation; and provided, also, that the board in its discretion may in any particular case and at any time impose a special condition that the prisoner will not be considered for parole unless and until he shall have a record of continuous exemplary behavior as a prisoner for such period as the board may specify. Before making the order the board shall obtain all available information concerning the prisoner's age, nativity, nationality, parentage, education, industry, habits, disposition, character and career. As soon as practicable after the order is made the board shall in writing submit such order together with such information to the court having jurisdiction of the case for its approval. In considering the order the court shall have power to have such persons brought before it for examination and shall also have power to modify such order by increasing or decreasing the minimum term of imprisonment, but within the aforesaid as respects the minimum term in any case where the maximum term is life imprisonment. Such order as approved or as modified by the court shall become effective upon receipt by the

board of written notice thereof from the court. Upon the receipt of such notice the board shall notify such person in writing of the minimum term of imprisonment to be served by him before he shall become eligible for parole.

"In all cases in which on the date of approval of this Act a prisoner is already serving a sentence of imprisonment for life without any minimum term having been fixed with respect to such sentence, the board of prison directors, as soon as practicable in each case, shall fix a minimum term of imprisonment which shall not in any case be less than ten nor more than twenty years dating from the commencement of said life term, upon the expiration of which minimum term, without any reduction by commutation, the prisoner shall become eligible for parole as in other cases."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 88

[S. B. No. 141]

AN ACT TO AMEND CHAPTER 119 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1873A PROVIDING FOR THE ISSUANCE BY THE CITY AND COUNTY TREASURER TO THE PUBLIC ON REQUEST OF CERTIFICATES SHOWING AMOUNT DUE FOR PRINCIPAL AND INTEREST UPON ASSESSMENTS LEVIED IN IMPROVEMENT DISTRICTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 1873A to read as follows:

"Sec. 1873A. The treasurer of the city and county of Honolulu shall on request give a certificate in writing to any person making request for same, showing in said certificate the balance due on any individual assessment for improvements for principal, with the date of next instalment payment, the number of said instalment payment and the amount to be due for said instalment pay-

ment and particulars of interest and penalty on said next installment date to be due and owing."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 89

[H. B. No. 208]

AN ACT TO AMEND CHAPTER 148 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2600-A, RELATING TO EVIDENCE OF PEDIGREE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 148 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be numbered 2600-A, to read as follows:

"Sec. 2600-A. Pedigree. Whenever in any legal proceeding involving the title to land it shall be necessary to prove pedigree, a properly authenticated transcript of the testimony of any witness who has testified concerning pedigree before any court of record or before any judge of a court of record at chambers prior to January 1, 1880 shall be admissible if in such testimony it is shown to the satisfaction of the court that the witness was a member of the family concerning which he testified, and such transcript of testimony shall be admissible as evidence of pedigree without any further extrinsic evidence showing that the witness was related to or was a member of the family concerning which he has testified."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 90**

[H. B. No. 215]

AN ACT TO AMEND CHAPTER 4 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 19-A, PROVIDING FOR DAYLIGHT SAVING TIME.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 4 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section, to be numbered Section 19-A, and reading as follows:

"Sec. 19-A. Daylight saving. At 2 o'clock ante meridian of the last Sunday in April of each year, the standard time of this Territory shall be advanced one hour, and at 2 o'clock ante meridian of the last Sunday in September of each year the standard time of this Territory shall, by the retarding of one hour, be made to coincide with the mean astronomical time of the degree of longitude governing the zone wherein the Territory is situated, the standard official time of which is described as United States standard Hawaiian time, so that between the last Sunday in April at 2 o'clock ante meridian and the last Sunday in September at 2 o'clock ante meridian in each year the standard time in this Territory shall be one hour in advance of the United States standard Hawaiian time. And in all laws, statutes, orders, decrees, rules and/or regulations relating to the time of performance of any act by any officer or department of the Territory, or of any county or city and county, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of this Territory, and in all the public schools and in all institutions of the Territory, or of any county or city and county, and in all contracts or choses in action made or to be performed in the Territory, it shall be understood and intended that the time shall be United States standard Hawaiian time as changed by this section."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 91**

[H. B. No. 194]

AN ACT TO AMEND ACT 264 OF THE SESSION LAWS OF HAWAII 1931, AS AMENDED BY ACT 25 OF THE SESSION LAWS OF HAWAII 1932, SECOND SPECIAL SESSION, RELATING TO THE SEWER SYSTEM IN SOUTH HILO, COUNTY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 264 of the Session Laws of Hawaii 1931, as amended by Act 25 of the Session Laws of Hawaii 1932, Second Special Session, is hereby amended to read as follows:

"Sec. 1. The board of supervisors of the County of Hawaii shall annually, beginning with the year 1933 and to and including the year 1948, include in item numbered 8 of the budget required by Section 21 of Act 40 of the Session Laws of Hawaii 1932, Second Special Session, the sum of thirty thousand dollars (\$30,000.00) which shall, when collected, and together with any moneys theretofore collected for the purpose hereinafter specified, and not heretofore expended or contracted to be expended pursuant to the provisions of Act 25 of the Session Laws of Hawaii 1932, Second Special Session, be paid to the treasurer of said county, and be held by him in a special fund, for the use, together with other moneys made available by the board of supervisors and/or the legislature for the construction of extensions to the sewer system in South Hilo, Island of Hawaii, and for any alterations in the present system necessitated by such extensions."

SECTION 2. All moneys available in the treasury of the County of Hawaii under this fund shall from time to time be appropriated and spent for the above purposes under the direction of the board of supervisors, according to law.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii

## ACT 92

[S. B. No. 91]

AN ACT AMENDING SECTION 165 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 13 OF THE SECOND SPECIAL SESSION LAWS OF 1932, RELATING TO DEPARTMENTAL REGULATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 165 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

“Sec. 165. Expenses—territorial officials and/or representatives while traveling abroad. A territorial official and/or representative while traveling abroad on territorial official business, shall be allowed five dollars a day, which amount is to cover all personal expenses, such as board, lodging, etc., but not steamer and railroad fares; and the auditor of the Territory is hereby directed to issue a warrant payable to such official for such purpose, at the above rate, from the date of his departure from, to the date of his return to, the Territory, upon being furnished by such an official with a sworn signed statement setting forth the time of absence.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 93

[S. B. No. 103]

AN ACT TO AMEND SECTIONS 2501, 2502, 2503, 2504 AND 2505 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO UNADMINISTERED SMALL ESTATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2501 of the Revised Laws of Hawaii 1925, relating to unadministered small estates is hereby amended to read as follows:

“Sec. 2501. Clerk of circuit court to administer. Whenever by reason of the death of any person residing in the Territory of Hawaii, testate or intestate, there shall be money or funds due and

payable to the estate of such person and/or other property belonging to such estate of a total value not exceeding one thousand dollars (\$1,000.00), and an executor or administrator of such estate has not been appointed, the clerk of the circuit court of the circuit of which such person was a resident at the time of his death may, upon his own petition or the petition of any person interested, be appointed administrator of said estate, and as such administrator he shall collect and receive such money, funds or other property of such estate and administer the same. All clerks are hereby prohibited from acting as administrator of any estate where the value of the same is in excess of one thousand dollars (\$1,000.00), except where he may be interested as an heir, legatee or devisee."

SECTION 2. Section 2502 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2502. Publication by clerk of appointment as administrator, etc. Upon such appointment it shall be the duty of the clerk to publish such fact by posting a notice thereof at the front entrance of the circuit court house of such circuit and by advertising such notice in the English language at least once in a newspaper of general circulation in such circuit. The judge of the court shall have authority to direct that the advertising of such notice in a newspaper need not be made if he deems the same to be unnecessary."

SECTION 3. Section 2503 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2503. Presentation of claims of creditors, legatees, devisees or distributees. All creditors of such deceased person shall present their claims duly verified under oath to the clerk within sixty (60) days from and after the day of such publication, and all persons claiming such money, funds or property or any balance thereof remaining after deducting the claims of creditors, if any, as persons entitled thereto as legatees, devisees or distributees under the laws of the Territory, shall also file their claims with the clerk within sixty (60) days after such publication."

SECTION 4. Section 2504 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2504. Claims barred when. All claims of creditors, legatees, devisees or distributees not filed within the period of sixty (60) days from the date of such publication shall be forever barred."

SECTION 5. Section 2505 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2505. Distribution. After the expiration of sixty (60) days after such publication, such clerk shall pay or distribute such money, funds or property, or any balance thereof after the payment of creditors, to or among such persons as may be found by the judge of such court sitting at chambers, in probate, to be the persons entitled thereto as legatees, devisees or distributees."

SECTION 6. The provision set forth in Section 1 of this Act prohibiting the clerk of the court from acting as administrator of any estate where the value of the same is in excess of one thousand dollars (\$1,000.00) shall not apply to any such estate of which such clerk has already been appointed administrator, nor shall said provisions prohibit the clerk from proceeding with the administration of any estate in excess of one thousand dollars (\$1,000.00) where such excess develops subsequent to his appointment as administrator, provided said excess does not exceed five hundred dollars (\$500.00). No fees shall be allowed said clerk.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 94

[S. B. No. 123]

AN ACT TO AMEND CHAPTER 56 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 752 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 759A, RELATING TO FISH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 752 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 752. Konohiki's notice of tabu fish. A konohiki shall have the power each year to set apart for himself one given species or variety of fish natural to his fishery, giving public notice, by at least three written or printed notices posted in conspicuous places on the land or the fishery, to his tenants and others residing on his land, signifying, by name, the kind of fish which he has chosen to be set apart for himself. Notice shall be substantially in the following form:



## ‘NOTICE:

Fishing for (name of fish) in this private fishery  
is hereby tabooed for the year.....

.....  
Owner or Lessee.’ ”

SECTION 2. A new section, to be known as Section 759A, is hereby added to said Chapter 56 and to read as follows:

“Sec. 759A. Other violation of rights; penalty. Any person, who, without lawful authority, fishes in or upon any private fishery, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars for each offense.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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ACT 95

[S. B. No. 133]

AN ACT TO AMEND SECTIONS 1691 AND 1692 AS AMENDED, OF  
THE REVISED LAWS OF HAWAII 1925, RELATING TO COUNTY  
GOVERNMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1691 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Sec. 1691. Appropriation of public money. In the counties of Hawaii, Maui and Kauai no county warrant shall be drawn and no county money shall be expended unless the same shall have been previously appropriated for the purpose by bill or resolution of the respective boards of supervisors; provided, however, that in cases of great necessity the officers and heads of departments may, with the consent of the chairman or acting chairman of the respective boards of supervisors, expend such sums of money, not to exceed four hundred ninety-nine dollars (\$499.00) in any one case, as shall be necessary to meet the requirements of such necessity.”

SECTION 2. Section 1692 of said Revised Laws, as amended by Act 168 of the Session Laws of Hawaii 1931, is hereby further amended to read as follows:

"Sec. 1692. Advertisement of bills and resolutions. In said counties, every bill or resolution for any specific improvement, or involving the appropriation, lease or disposition of public property, or the exercise of the power of eminent domain, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in a newspaper, with the ayes and noes, at least once (Sundays and legal holidays excepted) before final action on the same. If such bill or resolution be substantially amended, the bill or resolution as amended shall be advertised for a like period before final action thereon."

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 96

[S. B. No. 134]

AN ACT TO AMEND SECTION 56 AND TO REPEAL SECTION 57 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 56 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 56. Contents and posting. The proclamation shall contain a statement of the time and places where, and the purposes for which, the election is to be held. It may also contain any other relevant matter deemed proper by the governor, including an offer of rewards for the detection and conviction of offenders against the election laws. Copies of so much of the election proclamation as relates to the respective districts shall be posted in not less than three public and frequented places in each precinct where the election is to be held."

SECTION 2. Section 57 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 97**

[S. B. No. 135]

AN ACT TO AMEND SECTION 35 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 177 OF THE SESSION LAWS OF 1929, RELATING TO PRIMARY LAW.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 35 of the Revised Laws of Hawaii 1925, as amended by Act 177 of the Session Laws of 1929, is hereby further amended to read as follows:

“Sec. 35. Notice, publication, posting. 1. At least thirty days before the time for holding such primary, the secretary of the Territory in the case of territorial elections, the mayor of the city and county of Honolulu, in the case of city and county elections, and the chairmen of the respective boards of supervisors in the case of county elections, shall prepare and transmit to each county clerk a notice in writing designating the offices for which candidates are to be nominated at such primary for territorial and county offices and stating the time when, and the place where the primary will be held in each precinct.

2. The county clerk shall, within ten days after the receipt of such notice, cause notice of such primary, in the English language, to be posted in three conspicuous public places in each precinct in the county. The notice shall state the time when, and place where the primary will be held in each precinct therein, together with the offices for which candidates are to be nominated and elected.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 98**

[S. B. No. 136]

AN ACT TO AMEND CHAPTER 118 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION, TO BE NUMBERED 1732-A, AND AMENDING SECTION 1733 THEREOF, AS AMENDED, RELATING TO EXPENDITURE OF MUNICIPAL FUNDS AND THE PUBLICATION OF BILLS AND RESOLUTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 118 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section, to be numbered Section 1732-A, and to read as follows:

"Sec. 1732-A. No city and county warrant shall be drawn and no city and county money shall be expended unless the same shall have been previously appropriated for the purpose by bill or resolution of the board of supervisors; provided, however, that in cases of great necessity the officers and heads of departments may, with the consent of the mayor, expend such sums of money, not to exceed four hundred ninety-nine dollars (\$499.00) in any one case, as shall be necessary to meet the requirements of such necessity."

SECTION 2. Said Chapter 118 is hereby further amended by amending Section 1733 thereof, as amended by Act 30 of the Session Laws of Hawaii 1927, to read as follows:

"Sec. 1733. Publication before final action. Every bill or resolution providing for any specific improvement, except as modified by Sections 1851-1873, or involving the lease, appropriation or disposition of public property, or the exercise of the power of eminent domain, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in a daily newspaper with the ayes and noes once (Sundays and legal holidays excepted) three days before final action upon the same. If such bill or resolution be substantially amended, the bill or resolution as amended shall be advertised for a like period before final action thereon. Nothing herein shall prevent adoption of a revision or revisions of the city and county ordinances by a bill incorporating such revision by reference."

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 99**

[S. B. No. 137]

**AN ACT TO AMEND SECTION 1772 OF THE REVISED LAWS OF  
HAWAII 1925, RELATING TO MUNICIPAL GOVERNMENT.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1772 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1772. Contents of proclamation. The mayor shall issue his proclamation not less than twenty days previous to the day in each year on which the city and county election is to be held under this charter, calling upon the electors of the city and county to meet for the purpose of electing such officers as are provided for in this charter, reciting in such proclamation the different officers to be elected at such election. The proclamation shall be published by the posting of the same in not less than three public and frequented places in each precinct."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 100**

[S. B. No. 138]

**AN ACT TO AMEND ACT 40, SECOND SPECIAL SESSION LAWS  
1932, RELATING TO TAXATION OF REAL PROPERTY.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 40, Second Special Session Laws 1932, is hereby amended by deleting from Section 21 thereof the figures "\$3,750,000.00", appearing in the third line of the last paragraph on page 102 of said Session Laws, and inserting in lieu thereof the figures "\$3,300,000.00".

SECTION 2. Said Act 40 is hereby further amended by adding, at the end of the second paragraph of Section 71 thereof, the fol-

lowing sentence: "This paragraph, however, shall not apply to the city and county of Honolulu".

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 101

[S. B. No. 174]

AN ACT TO AMEND SECTION 11 (a) OF ACT 44, SECOND SPECIAL  
SESSION LAWS 1932, RELATING TO INCOME TAX RETURNS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The first paragraph of subsection (a) of Section 11 of Act 44, Second Special Session Laws 1932, is hereby amended to read as follows:

"Section 11. Returns. (a) Individual returns. Every individual having a net income over and above the exemptions allowed by Section 5, subdivision (b), for the taxable year of one dollar (\$1.00) or over, and every individual doing business within the meaning of Act 42, Second Special Session Laws 1932, whether or not he have any such net income, shall make a return which shall be verified by the oath or affirmation of the individual or his authorized agent, stating specifically the items of his gross income and the deductions and credits allowed under this Act;"

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 102**

[S. B. No. 175]

AN ACT TO AMEND SECTION 5 (a) OF ACT 44, SECOND SPECIAL SESSION LAWS 1932, RELATING TO CERTAIN DEDUCTIONS FROM GROSS INCOME IN COMPUTING NET TAXABLE INCOME UNDER SAID ACT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Paragraph (6) of subsection (a) of Section 5 of Act 44, Second Special Session Laws 1932, is hereby amended to read as follows:

"(6) Net loss. If, for any taxable year, it appears upon the production of evidence satisfactory to the commissioner that any taxpayer has sustained a net loss in any trade or business, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the succeeding taxable year; the deduction in all cases to be made under regulations prescribed by the commissioner."

SECTION 2. This Act shall take effect upon its approval, and shall apply to all income taxes and returns for the taxable years following the taxable year 1932.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 103**

[H. B. No. 64]

AN ACT TO CREATE A TERRITORIAL BOARD OF PHOTOGRAPHY AND TO PRESCRIBE ITS DUTIES AND POWERS: TO PROVIDE FOR THE EXAMINATION OF AND ISSUANCE OF CERTIFICATES TO QUALIFIED APPLICANTS WITH THE DESIGNATION OF CERTIFIED PROFESSIONAL PHOTOGRAPHER: AND TO PROVIDE THE PENALTY FOR VIOLATIONS OF THE PROVISIONS THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Within thirty days after the passage of this Act, the Governor of the Territory shall appoint, in the manner prescribed by the first paragraph of Section 80 of the Hawaiian Or-

ganic Act, as the Territorial Board of Photography, five (5) professional photographers of recognized standing, each of whom shall have been actively engaged in the practice of photography for not less than ten consecutive years immediately preceding the date of appointment, and shall possess all other qualifications provided for in this Act. After appointment of the initial board, all appointees shall be certified professional photographers.

SECTION 2. For the purpose of this Act, a professional photographer is hereby defined as a person who holds himself out to the public as a practicing photographer skilled in the knowledge and science of photography and who makes photographs for compensation or for sale, or for hire.

SECTION 3. The members of such board shall hold office for three years or until their successors are appointed and have qualified, except that of the members first appointed under this Act, one shall hold office for a term to expire December 31, 1933, two for a term to expire December 31, 1934, and two for a term to expire December 31, 1935; thereafter every appointment shall be made for a term of three years commencing from the date of the expiration of the last preceding term. Any vacancy shall be filled by appointment for the remainder of the unexpired term. One of the members shall be designated by the governor as chairman.

SECTION 4. All persons who shall apply to the board within ninety (90) days after its appointment who have for a continuous period of three (3) years next before the appointment of said board been engaged in the practice of photography within the Territory of Hawaii shall upon the payment of the fee of five dollars (\$5.00) be entitled to have issued to them without examination a certificate as hereinafter provided.

SECTION 5. The board shall keep a complete record of all its proceedings and shall present annually to the governor a detailed statement of the receipts and disbursements of said board during the preceding year, with a statement of its acts and proceedings and such recommendations as said board may deem proper.

SECTION 6. The board shall be authorized:

(a) To administer, through any member thereof, oaths to all applicants or persons appearing before the board in respect to investigation, examination or the issue of certificates;

(b) To conduct investigations and examinations and issue certificates to properly qualified applicants;

(c) To determine the qualifications of all applicants;

(d) To establish such rules and regulations as may be requisite properly to carry out the purposes of this Act and maintain a high



standard of integrity and proficiency among the holders of certificates.

SECTION 7. Examinations of applicants shall be held as often as may be necessary in the opinion of the board, and at such times and places as it may designate, but not less than one in each calendar year. If five or more persons apply for examination, within not less than four months after the annual examination, the board shall hold an examination for said applicants. Examinations may be both oral and written, at the discretion of the board.

SECTION 8. The written and oral examination of applicants for certificate shall be that prescribed by the rules and regulations of the board and the grading of the answers of the candidates shall be by the board appointed according to Section 1 of this Act.

SECTION 9. Any bona fide resident of the Territory over the age of twenty years who has passed a satisfactory examination (unless otherwise exempt from such examination as herein provided), shall receive a certificate of his qualifications to practice as a certified professional photographer. No other person and no corporation shall assume or use such title, or any other words, letters or figures, to indicate that such person is a certified professional photographer.

SECTION 10. The board shall upon the application in writing waive the examination of and issue a certificate to any person who for at least twelve months next preceding his or her application has been a bona fide resident of the Territory of Hawaii and furnishes satisfactory evidence of his or her good moral character, and in addition thereto furnishes satisfactory evidence that he or she has been certified or licensed by or under the authority of another territory or state or foreign nation as a qualified professional photographer, and provided further that the standards prescribed by law or by rules of the board and examinations conducted are fully equivalent to the standards maintained in this territory. If for any reason the certificate of original issue be revoked or cancelled, the board of the Territory of Hawaii shall forthwith revoke and cancel the certificate issued to such person in accordance with this Act. The board shall likewise waive the examination of and issue a certificate to any person possessing the above qualifications of residence and moral character who holds a diploma from any recognized school or college of photography. The fee for the issuance of a certificate to such applicant shall be the same as the fee required of applicants for examination.

SECTION 11. All photographers certified under the provisions of this Act shall be required to pay an annual fee in such amount as shall be fixed by the board, not to exceed two dollars on or

before the first day of July of each year, said fee to be paid to the secretary of the board who shall give a receipt for the same. The secretary shall notify each certified photographer at his or her last known address that his or her annual fee is due on the first day of July of each year and that his or her certificate will be revoked unless said fee is paid on or before October first of the same year. Any photographer whose certificate shall have been revoked under this section may make application to the board for reinstatement, the said application to be accompanied by a fee of five dollars, and if the board shall find the applicant to be guilty of no violation of this Act other than default in payment of annual dues, he shall immediately be reinstated upon the payment of said dues in arrears.

SECTION 12. The board shall have the power to revoke any certificate then in force:

(a) If the holder thereof shall have been convicted of a felony or of a crime involving moral turpitude; or

(b) If any holder thereof shall be found guilty by the board of fraudulent practices or wilful misrepresentations in the conduct of his business.

No certificate shall be revoked except after a hearing thereon, at which hearing at least a majority of the board shall be present. The attorney general of the Territory shall act as the legal advisor of the board. Written notice of such proposed hearing shall be mailed to the holder of such certificate at his last known address at least twenty (20) days before the date thereof, stating the basis or cause for such proposed action or revocation, and appointing a time and place for such hearing. At such hearing the board shall have the power to compel the attendance of witnesses, to administer oaths and to examine witnesses under oath. The board shall keep a complete record of all proceedings with respect to the revocation of any certificate.

SECTION 13. The board shall have the right to fix the amount to be charged applicants for examination and certificate not to exceed the sum of fifteen dollars. Each applicant for examination and certificate shall pay in full to the board such fee at the time of filing his application. In no case shall such fee be returned. If the applicant fails to pass the examination he shall be entitled to take another examination within one year, at any time at which there are other applicants to be examined.

SECTION 14. Nothing in this Act shall be construed to apply:

(a) To any person employed by or who makes negatives and photographs for any newspaper or periodical publication, provided such negatives or photographs are not sold, offered for sale, or otherwise disposed of in this Territory;

(b) To any person who makes negatives or photographs for experimental purposes or for his or her own personal use or pleasure;

(c) To any person attending or in the employ of any school or institution who makes negatives or any reproductions therefrom solely for the use of said school or institution for educational or scientific purposes;

(d) To any duly licensed medical or dental practitioner who makes negatives or photographs for clinical purposes;

(e) To any apprentice who is learning the profession of photography under a certified photographer, providing that all work done by such apprentice be in the presence of a certified photographer and under his or her supervision;

(f) To any person who sells negatives or photographs to any newspaper for its use only;

(g) To any person who sells copyrighted negatives or photographs;

(h) To any person who makes and sells negatives for moving pictures.

SECTION 15. The board shall appoint one of its members to serve as its secretary and such secretary shall be paid for the time actually expended in the pursuance of the duties imposed upon him by this Act and the rules and regulations of the board in an amount not exceeding \$120.00 per year. The remaining members of the board shall serve without pay.

SECTION 16. All expenses of the board, including the salary of the secretary, shall be paid from the fees received by the board under the provisions of this Act upon vouchers approved by the board and signed by the chairman, the secretary, or any member thereof. All moneys received by the board shall be held in the treasury of the Territory as a special fund for such purpose.

SECTION 17. Any person who shall practice or hold himself out as qualified to practice photography in the Territory of Hawaii without first having complied with the provisions of this Act, or who shall violate any provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SECTION 18. If any section, sub-section, sentence, clause or phrase of this Act is held for any reason to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause and

phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 19. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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#### ACT 104

[H. B. No. 37]

AN ACT TO AMEND ACT 262 OF THE SESSION LAWS OF HAWAII 1931, RELATING TO THE ISSUANCE OF BONDS FOR CERTAIN PERMANENT PUBLIC IMPROVEMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3 of Act 262 of the Session Laws of Hawaii 1931 is hereby amended to read as follows:

“Sec. 3. In case the amount specified in any item in Section 2 shall not be wholly required to complete the work on such item, the unrequired balance may after completion of said item, be expended for the work specified in any of the other items in said section, and/or may, together with the unrequired balance or balances for any other of such items, up to the total amount of twelve thousand dollars (\$12,000.00), be expended for the construction of pipe lines and/or waterworks and/or water development for East Molokai.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 105**

[H. B. No. 146]

AN ACT TO AMEND SECTION 2843 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FEES AND COSTS OF GARNISHEES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2843 of the Revised Laws of Hawaii 1925, relating to fees and costs of garnishees, is hereby amended to read as follows:

"Sec. 2843. Fees and costs. Every such attorney, agent, factor, trustee, or debtor shall be allowed three dollars in cases in the circuit courts and one dollar in cases in the district courts for filing a return on or before the return day or for appearance on the return day, as the case may be, and, in special or exceptional cases in which the court may deem it proper, such further sums as the court may deem reasonable for counsel fees and other necessary expenses. The allowance for return or appearance of the garnishee shall be deposited with the Clerk of the Court in order to hold the garnishee and shall be paid to the garnishee when he makes his return and files the same in court or when he makes his appearance in court. If the garnishee fails to make and file a return or to make his appearance in court he shall thereby forfeit the garnishee fees herein provided for. The garnishee, if discharged, may collect from the plaintiff on execution any unpaid allowances or, if held, may retain the same out of the goods, effects or credits of the defendant in his hands.

As between the plaintiff and defendant, if the garnishee shall be discharged, the costs of the garnishment proceeding, including one dollar for each copy of summons and one dollar for each service of summons, shall be taxed against the plaintiff; but, if the garnishee shall be held, such costs and all such allowances as shall have been paid by the plaintiff to the garnishee shall be taxed against the defendant."

SECTION 2. This Act shall take effect on its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 106**

[H. B. No. 147]

**AN ACT TO AMEND SECTION 2839 OF THE REVISED LAWS OF  
HAWAII 1925, RELATING TO GARNISHMENT.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2839 of the Revised Laws of Hawaii 1925, is amended to read as follows:

"Sec. 2839. On notice to plaintiff. Whensoever any person summoned as an attorney, agent, factor or debtor of any defendant may be desirous of so doing, he may apply to the magistrate or any judge of the court from whom or which the summons may have issued, and the magistrate or judge having caused reasonable notice to be given to the plaintiff in the action, shall proceed to take the deposition of the person thus summoned, and make such order as may be proper in the premises, at any time previous to the day appointed for hearing the cause, and the person so summoned as agent, factor, trustee or debtor of the party defendant, shall be taken to have obeyed the summons. If it shall appear that there are conflicting claims to any debt, goods or effects in the garnishee's hands, any time after the summons is served the garnishee may be permitted upon order of the judge or magistrate to pay into court any debts, goods or effects in his hands, less any reasonable costs and attorney's fees allowed by the judge or magistrate and the garnishee will thereupon be discharged. With or without payment into court, any garnishee may, where there are conflicting claims to any debt, goods or effects in his hands of any amount, make application for an interpleader order in the manner provided by Section 2869 of the Revised Laws of Hawaii 1925, as amended by Act 70 of the Session Laws of Hawaii 1927 for defendants, and the judge or magistrate shall thereupon make all orders as appear to be just and reasonable."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

	EXAMINATION OF PERSONS PLEADING DEFENSE OF INSANITY.	[Act 107]
104	REPORT FROM INSTITUTIONS REGARDING RELATIVES ABLE TO SUPPORT INMATES.	[Act 108]

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### ACT 107

[H. B. No. 280]

AN ACT TO AMEND SECTION 15 OF ACT 114 OF THE SESSION LAWS OF HAWAII 1925, AS AMENDED, RELATING TO EXAMINATION OF INDICTED PERSONS PLEADING DEFENSE OF INSANITY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 15 of Act 114 of the Session Laws of Hawaii 1925, as amended, is hereby further amended by inserting after the word "hospital" in the seventeenth line of Section 15 thereof, the words "or elsewhere as the court may direct."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 108

[H. B. No. 301]

AN ACT TO REQUIRE HEADS OF PUBLIC INSTITUTIONS TO REPORT THE NAMES OF INMATES HAVING RELATIVES CAPABLE OF CONTRIBUTING TO THEIR SUPPORT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Upon the effective date of this Act and each month thereafter the head of every public institution operated by the territory for the care of those persons who are mentally, physically, financially or otherwise incapable of caring for themselves, shall submit to the governor of the Territory of Hawaii a report showing the names of inmates who are related to persons capable of contributing to the financial support of said inmates and the names and addresses of said relatives.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 109**

[H. B. No. 304]

AN ACT TO AMEND ACT 90 OF THE SESSION LAWS OF HAWAII 1929, AS AMENDED, PROVIDING FOR THE SUPPORT OF HOSPITALS IN THE COUNTY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 90 of the Session Laws of Hawaii 1929, as amended by Act 208 of the Session Laws of Hawaii 1931, is hereby further amended to read as follows:

"Sec. 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to appropriate annually the sum of one hundred thousand dollars (\$100,000.00), which shall, when collected, be distributed as follows: eighty thousand dollars (\$80,000.00) to the treasurer of said county to be held by him in a special fund for the use, with other moneys made available by said board, and by the Legislature of the territory, for the permanent improvement, maintenance and equipment of the county hospitals of said county, other than Puumaile Home; and twenty thousand dollars (\$20,000.00) to the territorial treasurer, to be held by him with any other funds available for such purpose, to be expended by the territorial board of health for the permanent improvement, maintenance and equipment of Puumaile Home in said county. The amount of one hundred thousand dollars (\$100,000.00) required herein to be appropriated each year shall be included in the tax rate for real property taxes for such year in said county, and shall be placed annually under and/or in item 6 of the county budget."

SECTION 2. This Act shall take effect upon its approval and the tax rate for said county for the year 1933 shall be included in its operation.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



### ACT 110

[H. B. No. 361]

AN ACT APPROPRIATING THE SUM OF NINE THOUSAND SIX HUNDRED TWENTY-ONE AND 89/100 DOLLARS (\$9,621.89) FOR REIMBURSING THE CITY AND COUNTY OF HONOLULU FOR THE COST OF PAVING CERTAIN PORTIONS OF STREETS IN FRONTAGE IMPROVEMENT NOS. 58 TO 63, INCLUSIVE, AND IMPROVEMENT DISTRICT NO. 36.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of nine thousand six hundred twenty-one and 89/100 dollars (\$9,621.89) is hereby appropriated out of the general fund of the Territory of Hawaii, for the purpose of reimbursing the City and County of Honolulu for the payments made by it on assessments for street improvements on streets in Frontage Improvement Nos. 58 to 63, inclusive, and Improvement District No. 36, such payments having been made under Section 1852 of the Revised Laws of Hawaii 1925.

SECTION 2. The said sum of nine thousand six hundred twenty-one and 89/100 dollars (\$9,621.89) shall be paid to the treasurer of the city and county by warrants drawn by the auditor of the Territory of Hawaii.

SECTION 3. This Act shall take effect from and after July 1, 1933.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 111

[S. B. No. 28]

AN ACT TO AMEND SECTIONS 2401 AND 2402 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 18 OF THE FIRST SPECIAL SESSION LAWS OF 1932, RELATING TO JURIES AND TRIAL BY JURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2401 of the Revised Laws of Hawaii 1925, as amended by Act 18 of the First Special Session Laws of 1932, is hereby further amended to read as follows:

"Sec. 2401. Commission; qualifications and commissioners. The judge or judges of each circuit court shall, prior to the first day of July of each calendar year, appoint for a period of one year from and after the first day of July, two citizens as jury commissioners, who shall be voters of the circuit and of good reputation for intelligence, morality and integrity. Such commissioners shall not be members of the same political party. The commissioners, together with the judge of each circuit and, in the first circuit the first judge, shall constitute the jury commission for that circuit. In the absence, disqualification or inability of the first judge of the circuit court, the second or third judge, in the order named, may perform his duties. Should a vacancy occur in the office of a jury commissioner at any time, another commissioner shall be similarly appointed to fill the vacancy. Each jury commissioner shall be allowed for such service such compensation as may be determined by the judge or judges to be just and reasonable, not to exceed two hundred fifty dollars (\$250.00) in the first circuit and one hundred dollars (\$100.00) in other circuits, payable out of circuit court expense funds."

SECTION 2. Section 2402 of the Revised Laws of Hawaii 1925, as amended by Act 18 of the First Special Session Laws of 1932, is hereby further amended by adding at the end thereof a new paragraph to read as follows:

"The judge serving on the jury commission may at any time, for reasons appearing sufficient to him, order the dissolution of any list of grand or trial jurors and the discharge of the persons named thereon, and upon the entry of such order the jury commission shall make and file with the clerk of the circuit court within such time as the judge shall direct another list of grand or trial jurors, which may include any of the persons so discharged, to serve for the remainder of the year."

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 112**

[S. B. No. 33]

AN ACT TO AMEND SECTION 339 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO THE SPECIAL SCHOOL FUNDS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 339 of the Revised Laws of Hawaii 1925, as finally amended in toto by Act 57 of the Second Special Session Laws of 1932, is hereby further amended by deleting therefrom the prescribed form of the budget contained in the tenth to the twenty-first lines, both inclusive, of said section as set forth on page 175 of the Session Laws of Hawaii, First and Second Special Sessions 1932, and by inserting in lieu of said deleted portion, the following words and figures, to-wit:

“SPECIAL SCHOOL FUND

- “1. New building, additions and improvements.
- “2. Repairs and maintenance of buildings and grounds.
- “3. Land: new sites and additions to be selected by the department of public instruction.
- “4. Land: grading and improvement.
- “5. Furniture and equipment.
- “6. Toilets.
- “7. Janitor service and supplies.”

SECTION 2. This Act shall take effect on January 1, 1934.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 113**

[S. B. No. 45]

AN ACT TO AMEND SECTIONS 182 AND 182-A OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO VACATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 182 of the Revised Laws of Hawaii 1925, as amended by Act 181, Session Laws of Hawaii 1931, is hereby further amended to read as follows:

"Sec. 182. Vacations of public employees. Whenever any employee working under a regular monthly salary in any department of the territorial, county or city and county government shall have been employed continuously for at least one year in the same department, he shall be entitled to and be granted at least two weeks' vacation upon full pay for that year and each year thereafter while he remains in the employ of such department, said vacations to be granted at such time as may be designated by the head of the department. Any employee refusing or neglecting to take advantage of any vacation allowance to which he may be entitled shall forfeit the same and shall not be entitled to remuneration by reason thereof. Vacation allowance may, however, upon the prior written recommendation of the head of the department, and with the approval of the governor, mayor or chairman of the board of supervisors, as the case may be, be accumulated; provided no accumulated vacation allowance shall exceed a total period of six weeks."

SECTION 2. Section 182-A of the Revised Laws of Hawaii 1925, as amended by Act 181, Session Laws of 1931, and Act 4, Second Special Session Laws of Hawaii 1932, is hereby further amended to read as follows:

"Sec. 182-A. Every employee working under a regular monthly salary in any department of the territorial, county or city and county government without a regular weekly holiday shall be entitled to and be given at least two holidays during each month, and such employee who has been continuously so employed for at least one year in the same department with not more than two holidays per month during said year shall be entitled to and be given three weeks' vacation upon full pay for that year and each year thereafter while remaining in the employ of such department, said vacation to be granted at such time as shall be designated by the head of the department. Any employee refusing or neglecting to take advantage of any vacation allowance to which he may be entitled shall forfeit the same and shall not be entitled to remuneration by reason thereof. Vacation allowance may, however, with the prior written recommendation of the head of the department, and with the approval of the governor, the mayor or chairman of the board of supervisors, as the case may be, be accumulated, but shall not exceed nine weeks."

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 114**

[S. B. No. 100]

AN ACT TO AMEND ACT 186 OF THE SESSION LAWS OF 1921, AS AMENDED, RELATING TO THE FRANCHISE OF THE HONOLULU RAPID TRANSIT COMPANY, LIMITED.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Act 186 of the Session Laws of 1921, as amended, is hereby amended by adding the following paragraphs to said Section 2:

"The company shall have the right to abandon the operation of any part or parts of its system, as now or hereafter constituted or operated, when, after hearing before the commission, it shall appear that the operation of such part or parts proposed to be abandoned will not, together with the rest of said system, earn sufficient to meet all reasonable costs of operation, including taxes, plus a fair return on the total property of said company actually used for public utility purposes.

"The company may also abandon all or any street railway operation, and substitute transportation of any type or motive power, either on the same street or streets as those abandoned, or on any other street or streets, as may be approved by the commission."

SECTION 2. Section 6 of said Act 186, as amended, is hereby amended to read as follows:

"Sec. 6. Paving obligations. (a) The rights and privileges hereby granted to the company are granted upon such terms, conditions and restrictions as are now or may hereafter be imposed by the laws of the Territory of Hawaii in relation to the matter of constructing and maintaining street railways, and a strict compliance with such laws is hereby required of the company.

"(b) The city and county of Honolulu shall have the right to grade, sewer, pave, macadamize or otherwise improve, alter or repair any or all of the streets or roads upon which said railway is laid or constructed, and such right may not be alienated or impaired; but any work in carrying out and performing such right shall be done in such manner as to obstruct or injure the railway hereby authorized as little as possible. If such work, grade, improvement, alteration or repair upon such streets or roads necessarily interferes with the grade or location of such railway, the company, upon being so ordered by the board of supervisors, shall alter said railway and make it correspond with the work, grade, improvement, alteration or repair. Such alteration shall be completed within a reasonable time from the date of such order to be fixed by the board of supervisors.

“(c) The company, before laying the railway upon any of the streets or roads in the city and county of Honolulu, shall ascertain the lawful grade of such streets or roads from the board of supervisors and said board shall furnish the required information within a reasonable time. The tracks of the company shall conform to the grades of the streets or roads on which they are laid down as furnished by the board of supervisors, and the company shall not in any way change or alter the same without the written consent of the said board.

“The city and county of Honolulu shall have the right to change the lines and grades of its streets or roads at any time whenever required by public convenience, public welfare or public safety; and the company shall, upon being ordered so to do by the board of supervisors, conform to such new lines or grades by reconstructing its tracks or lines. Such order shall be complied with within a reasonable time from the date thereof to be fixed by the board of supervisors.

“(d) The city and county of Honolulu shall reimburse the company for all payments made or expenses incurred by it by reason of any such alteration or reconstruction as provided in paragraphs (b) and (c) of this section.

“(e) The company, in laying its tracks on a street or road already paved or macadamized, shall pave or macadamize the entire space between its tracks, or between the outside rails of double tracks if more than one track be laid, and for one foot outside of the outer rails, and such paving or macadamizing shall be flush with the streets or roads and correspond with the paving or macadamizing of the remaining portion of said street or road, and shall be so laid that the rails shall be flush with the streets or roads, and the company shall keep its tracks in good repair; provided, however, that the board of supervisors may approve a type or types of paving which will make such tracks accessible for repair.

“(f) The location of the tracks in the streets or roads shall be as approved by the board of supervisors. If public convenience, public welfare, or public safety requires a change of the location of said tracks, a relocation may be ordered by the board of supervisors. Such relocation shall be made within a reasonable time from the date of said order to be fixed by the board of supervisors, and at the expense of the city and county of Honolulu.

“(g) Should the company fail or neglect to comply with any of the obligations in this section provided after written notice by the board of supervisors of such failure or neglect, or with any order of the board of supervisors made as in this section provided, the board of supervisors may by resolution find the company in default and at any time after five days after written notice of such finding of default shall have been given to the company by delivery of a copy of such resolution at the principal office of the company,

the paving, alterations, relocations, repairs, changes or improvements required, may be made by the city and county of Honolulu and the cost thereof recovered from the said company in the courts of the Territory.

“(h) From every order of the board of supervisors under paragraph (f) of this section, except as to initial location, and from any finding of default by said board on account thereof, an appeal shall lie to the commission and every such appeal shall operate as a stay of such order and a stay of any action by the board of supervisors of the city and county of Honolulu under paragraph (g) of this section pending the decision or determination by the commission upon said appeal”.

SECTION 3. Section 7 of said Act 186, as amended, is hereby amended by amending paragraph (e) of said Section to read:

“(e) Special fares for children. The company may, with the approval of the commission, fix special rates of fare for children, under such regulations as may be approved by the commission.”

SECTION 4. Section 9 of said Act 186, as amended, is hereby amended to read as follows:

“Sec. 9. Issue and sale of stock. The company may increase its capital stock by the issuance and sale of common stock upon terms approved by the commission; provided, however, that bonds or notes the proceeds of which have been used for capital expenditures may be redeemed by capital stock of the company, as approved by the commission, to the amount of the proceeds received by the company from the sale of such bonds or notes.”

SECTION 5. Section 11 of said Act 186, as amended, is hereby amended to read as follows:

“Sec. 11. Additions, extensions, increases, betterments and improvements. Additions, extensions, increases, betterments and improvements of the railway and the equipment and works connected therewith may be made or acquired by the company with the approval of the commission and shall be made whenever, after notice and an opportunity to be heard at a public hearing, it shall be directed so to do by the commission, and when so made or acquired, or when made or furnished by others, shall thereafter be maintained by it, except as herein provided; and increases and improvements in the service to be rendered by the company shall likewise be made by it when directed so to do by the commission; provided that the commission shall not so direct unless it shall find after such hearing that the earnings of the company when maintaining and operating such additions, extensions, increases and improvements, whether of railway or service provided for in this

section, together with the remainder of its railway and service and considering a possible increase in rate of fares, will be sufficient to meet all the reasonable costs of operation plus a fair return on the total property of the company including such additions, extensions, increases, betterments and improvements actually used for public utility purposes.

"Additions and extensions or improvements made or furnished by others shall not be acquired unless the same shall be transferred to the company, and unless the commission shall upon application therefor and after notice to the company and a public hearing thereon, authorize the same, and unless the construction thereof accords with the general standard of construction of the railway.

"The commission may require that any additions, extensions, betterments or improvements be constructed under contract for which public bids shall be called."

SECTION 6. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 115**

[S. B. No. 114]

AN ACT RELATING TO THE SETTLEMENT OF BOUNDARIES AND TO THE NOTICE, EVIDENCE AND DECISION GIVEN IN SUCH MATTERS AND AMENDING SECTION 558 OF THE REVISED LAWS OF HAWAII 1925.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 558 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 558. Notice, evidence, decision. It shall be the duty of the commissioner, on receipt of such application, to notify the owner or owners of the land, and also those of the land adjoining, of the time when he will be prepared to hear their case. Further, it shall be the duty of the commissioner to advertise in such newspaper or newspapers as he shall direct, once in each of three successive weeks, a notice of the locality to be adjudicated on and the date and place of hearing. If the land involved is located in the county of Hawaii or the city and county of Honolulu, such notice must also be published in a Hawaiian newspaper. The commis-



sioner shall receive at such hearing all the testimony offered; shall go on the ground when requested by either party, and shall endeavor otherwise to obtain all information possible to enable him to arrive at a just decision as to the boundaries of the lands. Upon giving a decision, the commissioner shall therein describe the boundaries decided on by survey, by natural topographical features, or by permanent boundary marks, or partly by each; and he shall have the power to order such surveys and marks to be made or erected as he may consider necessary, at the expense of the parties in interest, but he shall in no case alter any boundary described by survey in any patent or deed from the king or government, or in any land commission award."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 116

[S. B. No. 120]

### AN ACT AUTHORIZING THE REFUND TO VARIOUS PERSONS OF TAXES ILLEGALLY COLLECTED.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The territorial treasurer is hereby authorized and directed to pay, as reimbursements for taxes illegally collected and out of funds as hereinafter designated, to the following firms and persons the amounts set opposite their names:

From collections of delinquent taxes in the first taxation division, to:

Mrs. Constance Withington.....	\$ 417.35
Winn and Nowell, for Robertson heirs.....	220.30
John K. Cockett.....	143.96
Heirs of Nancy Wallace.....	174.31
Wong Tong .....	144.17
International Trust Co., Ltd.....	67.91

From collections of delinquent taxes in the third taxation division, to:

American Factors, Ltd.....	655.40
Katsuji Sakamoto .....	34.80
Obed Kaiawe .....	15.19
Mrs. George Machado.....	353.24
P. C. Beamer.....	142.80

From the general fund of the Territory, to:	
A. G. M. Robertson.....	20.12
Hugh G. Davis.....	8.92
Pioneer Building & Loan Assn.....	159.08
Dr. William F. Leslie.....	16.00
Hawaiian Trust Company, Ltd., agents for:	
Henry Aikue .....	10.00
Charles W. Baldwin.....	5.00
Miss E. Pauahi Judd.....	25.00
Loi Tsin Chong.....	7.17
Davis S. Mau (alias David Mau).....	5.72
Woo Nee .....	13.30
Estate of Helen B. Aldrich.....	1,663.46
Mackay Radio and Telegraph Company.....	158.33
Hawaiian Tuna Packers, Ltd.....	786.13
Hide Takakura (also known as Eben H. Takakura) ..	8.00

SECTION 2. The sums hereinabove specified shall be paid upon warrants issued by the territorial auditor, based upon vouchers approved by the tax commissioner.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 117

[S. B. No. 163]

AN ACT TO REPEAL ACT 236 OF THE SESSION LAWS OF 1929,  
BEING AN ACT TO PROVIDE REVENUE FOR FIRE PROTECTION  
BY MEANS OF FIRE BOATS FOR HONOLULU HARBOR IN THE  
CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 236 of the Session Laws of Hawaii 1929, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 118**

[S. B. No. 173]

AN ACT TO AMEND ACT 139 OF THE SESSION LAWS OF HAWAII 1931, RELATING TO THE BOARD OF LEPER HOSPITALS AND SETTLEMENT, AND TO TRANSFER TO SAID BOARD CERTAIN DUTIES IMPOSED UPON THE BOARD OF HEALTH, BY AMENDING ACT 214 OF THE SESSION LAWS OF HAWAII 1931.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 139 of the Session Laws of Hawaii 1931, is hereby amended by deleting therefrom the word "leper" wherever the same appears with reference to the board of leper hospitals and settlement or the superintendent of leper hospitals and settlement.

SECTION 2. Act 214 of the Session Laws of Hawaii 1931, is hereby amended by deleting, wherever it appears in said Act, the words "board of health", and inserting in lieu thereof the words "board of hospitals and settlement."

SECTION 3. This Act shall take effect on July 1, 1933.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 119**

[S. B. No. 188]

AN ACT TO AMEND SECTION 2081 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LICENSE FEES FOR THE SALE OF POISONOUS DRUGS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2081 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2081. Fee. The annual fee for a license to sell poisonous drugs shall be \$50.00; provided, however, that no fee or license shall be required for the sale, distribution or compounding of poi-

sonous substances authorized under the provisions of Act 34 of the Session Laws of Hawaii 1933."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 120**

[S. B. No. 221]

AN ACT TO AMEND ACT 206 OF THE SESSION LAWS OF 1927, BY AMENDING SECTION 1 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 15-A REGULATING THE SALE, TRANSFER AND POSSESSION OF CERTAIN FIREARMS, TEAR GAS AND AMMUNITION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 206 of the Session Laws of 1927 is hereby amended by amending the first paragraph of Section 1 thereof to read as follows:

"Section 1. Definitions. 'Pistol' or 'revolver' as used in this Act means and includes any firearm of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas."

SECTION 2. Said Act 206 of the Session Laws of 1927 is hereby further amended by adding a new section to be known as Section 15-A to read as follows:

"Section 15-A. Machine gun and tear gas. Except as permitted under the provisions of this Act, no person, firm or corporation shall own, possess, sell, offer for sale or transport any firearm of the kind commonly known as a 'machine gun' or any shell, cartridge or bomb containing or capable of emitting tear gas or any other noxious gas.

"Provided, however, that nothing in this Act contained shall prohibit the sale to, purchase by, or possession of such firearms by any city and county, county, territorial, or federal officer where such firearms are required for professional use in the discharge of his duties, nor to the transportation of such firearms for or on behalf of police departments and members thereof, sheriffs, or the

military or naval forces of this Territory or of the United States; and

"Provided, further, that nothing in this Act shall prohibit police departments and members thereof, sheriffs, or the military or naval forces of the Territory or of the United States from possessing or transporting such shells, cartridges, or bombs for professional use in the discharge of their duties.

"The term 'shell, cartridge, or bomb', as used in this Act shall be construed to apply to and include all shells, cartridges, or bombs capable of being discharged or exploded through or by the use of percussion caps, fuses, electricity, or otherwise, when such discharge or explosion will cause or permit the release or emission of tear gases. The term 'machine gun' as used in this Act shall be construed to apply to and include machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device."

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 121

[S. B. No. 227]

AN ACT TO AMEND SECTION 1864 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 205 OF THE SESSION LAWS OF HAWAII 1929, AND SECTION 1867 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO HIGHWAYS, IMPROVEMENT DISTRICTS AND ASSESSMENTS IN THE CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1864 of the Revised Laws of Hawaii 1925, as amended by Act 205 of the Session Laws of Hawaii 1929, is hereby amended to read as follows:

"Sec. 1864. Installments payable when. In case of an election to pay any assessment in installments, such assessment shall be payable in not less than five (5) nor more than ten (10) equal annual installments of principal, and each annual installment may in turn

be made payable in twelve (12) equal monthly installments as hereinafter provided. Interest, in all cases, shall be paid on the unpaid principal, payable annually at a rate not exceeding six per cent (6%) per annum. The number of such annual installments and period of payment and the rate of interest shall be as determined by the board of supervisors; provided, however, that after the annual installments are determined and fixed if it shall appear to be of advantage to the assessee, the board of supervisors may permit the treasurer to accept payments in monthly installments as hereinabove provided."

SECTION 2. Section 1867 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1867. Sale for default. In case of default in the payment of any installment of principal and interest when due, the treasurer of the city and county shall advertise and sell the property concerning which default is made for the whole of the unpaid assessment thereon, interest and costs; provided, however, that the purchaser of such property shall be permitted to pay in cash the total amount of the delinquent installment or installments of principal and interest and penalty, and the balance in equal annual and/or monthly installments as originally provided. Such sale and advertisement shall be made by the treasurer in the same manner, under the same conditions and penalties and with the same effect as provided by general law for sales of real property by the tax assessor for default in payment of property taxes."

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 122

[S. B. No. 198]

AN ACT TO AMEND ACT 287 OF THE SESSION LAWS OF HAWAII 1931, AS AMENDED, BEING THE APPROPRIATION ACT FOR THE 1931-1933 BIENNIUM, BY INCREASING THE ITEM THEREOF ENTITLED "GOVERNOR'S UNEMPLOYMENT CONTINGENT FUND".

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That certain item of Section 1 of Act 287 of the Session Laws of Hawaii 1931, as amended by Act 32 of the Sec-

and Special Session Laws 1932, appropriating \$100,000 to the governor's unemployment contingent fund, and appearing on page 69 of said Second Special Session Laws, is hereby increased by the amount of \$50,000.00, so that the same shall read "\$150,000.00".

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 123**

[H. B. No. 331]

AN ACT RELATING TO THE ASSISTING OF CRIPPLED SCHOOL CHILDREN AND AMENDING SECTION 2 OF ACT 230, SESSION LAWS OF 1927, AS AMENDED BY ACT 148, SESSION LAWS OF 1929.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2 of Act 230, Session Laws of 1927, as amended by Act 148, Session Laws of 1929, is hereby further amended to read as follows:

"Sec. 2. The superintendent of public instruction, with the approval of the child welfare board of the county in which such crippled child has his home, is hereby authorized to negotiate with private institutions, or with private families, at a rate not to exceed twenty dollars (\$20.00) per month per child, for the purpose of securing accommodation for such crippled children attending public schools and for their maintenance at such institutions or in private homes, and with like approval arrange with transportation companies or individuals for the transportation of such crippled children to and from such public schools (excepting those children in institutions in which education is provided), and shall, with the approval of the child welfare board of the county in which such crippled child has his home, expend the appropriation herein provided for such purpose."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 124**

[H. B. No. 364]

AN ACT TO AMEND ACT 257 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO GAME BIRDS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 257 of the Session Laws of Hawaii 1925, is hereby amended by amending paragraph 2 of Section 1 thereof to read as follows:

"The fee for such license shall be \$1.00; provided, however, that the commission may authorize any governmental agency to breed and sell such birds, and may authorize any person to possess lawfully obtained game birds."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 125**

[S. B. No. 89]

AN ACT TO PROVIDE FOR THE FURTHER REHABILITATION AND IMPROVEMENT OF THE LEPER SETTLEMENT AT KALAUPAPA AND THE KALIHI RECEIVING HOSPITAL AND THE KAPIOLANI GIRLS' HOME AND/OR THE KALIHI BOYS' HOME IN HONOLULU, AND TO LAPSE INTO THE GENERAL FUND THE BALANCE OF THE "SPECIAL LEPROSY FUND" CREATED BY ACT 288 OF THE SESSION LAWS OF HAWAII 1931.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. In addition to the sum of three hundred seventy-five thousand dollars (\$375,000.00) authorized to be expended by Act 288 of the Session Laws of Hawaii 1931, the board of leper hospitals and settlement is hereby authorized to expend during the 1933-1935 fiscal biennium the sum of one hundred fifty thousand dollars (\$150,000.00) out of the "special leprosy fund" created by said Act 288, for the further rehabilitation and/or improvement of the leper settlement at Kalaupapa and/or the Kalihi receiving



station in Honolulu, and the sum of fifteen thousand dollars (\$15,000.00) for rehabilitation and improvements at the Kapiolani Girls' Home and/or the Kalihi Boys' Home.

All expenditures hereunder shall be made upon vouchers approved by the chairman of the board of leper hospitals and settlement; provided, however, that all contracts for the construction, reconstruction or repair of any buildings and/or improvements under this Act, shall be entered into on behalf of the Territory by the superintendent of public works with the approval of the board of leper hospitals and settlement, and all payments made under or pursuant to any such contracts shall be made on vouchers approved jointly by the superintendent of public works and the chairman of said board, and provided further, that the provisions of Chapter 107 of the Revised Laws of Hawaii 1925, as amended, and/or any other law imposing restrictions upon the expenditures of public moneys by contract or otherwise shall be and are hereby declared inapplicable to expenditures to be made under this Act.

SECTION 2. All money in addition to the three hundred seventy-five thousand dollars (\$375,000.00) authorized to be expended by Act 288 of the Session Laws of Hawaii 1931, and the one hundred sixty-five thousand dollars (\$165,000.00), authorized to be expended by this Act, remaining in said "special leprosy fund" is hereby covered into the general fund of the Territory of Hawaii.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 126**

[H. B. No. 189]

AN ACT FOR THE RELIEF OF FRANK J. VIERRA.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and directed to pay out of the general fund of said county to Frank J. Vierra the sum of four hundred thirty-seven and 50/100 dollars (\$437.50) for salary due him in lieu of statutory vacation earned by and due him as bandmaster of the Hilo band, under the laws of the territory.

SECTION 2. The said Frank J. Vierra shall, on payment to him of said sum, give receipt therefor in full discharge of any and all claim in respect to such vacation or vacation pay.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 127

[H. B. No. 222]

AN ACT DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO CONSTRUCT AN ISOLATION WARD IN THE CITY OF HILO, COUNTY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the County of Hawaii is hereby directed to build and construct an isolation ward or building at or near the Hilo Memorial Hospital in the City of Hilo, County of Hawaii, the cost of said building or ward not to exceed the sum of six thousand dollars (\$6,000.00).

SECTION 2. This Act shall take effect on July 1, 1933.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

### ACT 128

[H. B. No. 269]

#### AN ACT RELATING TO THE CONTROL OF PUPILS ATTENDING PUBLIC SCHOOLS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All principals in the public schools shall, upon the written request of the parent, guardian or other person having the care and control of any pupil attending any public school, permit any such pupil to leave the school grounds during intermissions; provided, however, any principal granting such permit shall not be held liable for the action of such pupil during such intermissions and while such pupil remains outside of the school grounds.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 129

[H. B. No. 373]

#### AN ACT TO AMEND SECTION 3141 OF THE REVISED LAWS OF HAWAII 1925, AS LAST AMENDED BY ACT 16 OF THE SECOND SPECIAL SESSION LAWS 1932, RELATING TO REGISTRATION OF CONVEYANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3141 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended: (a) by adding thereto a new paragraph, numbered 13, to read as follows:

"13. For photostating instruments, etc., for any federal, territorial or county or city and county agency, the cost of materials used therein, such fees to be used by the registrar for the purchase of necessary materials used in such photostating process."

and (b) by amending the last paragraph thereof to read as follows:

"All fees collected under this section, excepting those specified in paragraph 13, shall be deposited in the territorial treasury to the credit of the general fund."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 130**

[S. B. No. 140]

AN ACT TO AMEND SECTION 129 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 129 of the Revised Laws of Hawaii 1925, is hereby amended by deleting the second sentence thereof reading: "Such tabulation, when completed, shall be published at least once in a daily or weekly paper of general circulation in the city and county of Honolulu and all other counties in the Territory of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

### ACT 131

[S. B. No. 153]

AN ACT TO AMEND SECTION 47 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 160 OF THE SESSION LAWS OF 1931, RELATING TO PRIMARY LAW.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 47 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by changing paragraph 2 thereof to read as follows:

"2. As soon as may be after the count at the primary the county clerk shall prepare a certified statement of the result of the primary as to candidates for the various offices and shall send a copy thereof to the territorial central and county committees of each party."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 132

[S. B. No. 200]

AN ACT TO AMEND SECTION 481 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GENERAL LEASES, BY ADDING AN ADDITIONAL CONDITION DISQUALIFYING BIDDERS IN ARREARS IN PAYMENT OF TAXES, RENTS, ETC.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 481 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end of the first sentence thereof the following:

"nor shall a general lease or transfer of general lease of public lands be made to a person in arrears in payment of taxes, rents and/or other obligations due the Territory or any political subdivision thereof, and persons so in arrears shall be disqualified to bid at sales of such leases."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 133**

[S. B. No. 242]

AN ACT TO AMEND ACT 19 OF THE FIRST SPECIAL SESSION LAWS OF 1932, RELATING TO LIQUID FUEL TAXES, SO AS TO PROVIDE FOR THE TAXATION OF THE SALE OR USE OF DIESEL OIL.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Subsection (c) of Section 1 of Act 19, First Special Session Laws 1932, is hereby amended by deleting therefrom the words "but shall not include diesel oil", and the comma preceding the same, appearing at the end of said subsection.

SECTION 2. Section 4 of said Act is hereby amended to read as follows:

"Section 4. Distributors to pay certain license taxes. (a) Every distributor shall, from and after the effective date of this Act, in addition to any other taxes provided by law, pay a license tax to the treasurer of three cents for each gallon of liquid fuel (other than diesel oil) refined, manufactured, produced or compounded by such distributor in the Territory and sold or used by him in the Territory, or imported by such distributor into the Territory, or acquired by him in the Territory from persons not licensed distributors, and sold or used by him in the Territory; and for each gallon of such fuel sold or used by him from any stock on hand or held in storage by him on the effective date of this Act.

(b) Every distributor shall, from and after the effective date of this Act, in addition to any other taxes provided by law, pay a license tax to the treasurer of one cent for each gallon of diesel oil refined, manufactured, produced or compounded by such distributor in the Territory and sold or used by him in the Territory, or imported by such distributor into the Territory, or acquired by him in the Territory from persons not licensed distributors, and sold or used by him in the Territory; and for each gallon of diesel oil sold or used by him from any stock on hand or held in storage by him at the time this subsection shall become effective.

(c) Provided, however, that said tax shall not be collected in respect of any liquid fuel shown to the satisfaction of the treasurer to have been sold for use in and actually delivered to, or sold in, the county of Kalawao."

SECTION 3. Section 7 of said Act is hereby amended by inserting therein, in the twenty-seventh line thereof, immediately following the words "three cents", a comma and the words "or one cent, as the case may be,".

SECTION 4. This Act shall take effect at midnight on the last day of the month during which the same shall be approved.

Approved this 29th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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ACT 134

[S. B. No. 211]

[Sic] AN ACT TO AMEND CHAPTER 211 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 225 OF THE SESSION LAWS OF 1927, BY ACT 125 OF THE SESSION LAWS OF 1929, AND BY ACT 165 OF THE SESSION LAWS OF 1931, BY AMENDING SECTIONS 3684, 3688, 3689 AND 3693, AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3683-A RELATING TO REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3684 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3684. Board of registration of professional engineers, etc., members; appointment; tenure; qualifications. A territorial board of registration for professional engineers, architects and surveyors is hereby created which is hereinafter called 'the board', to be appointed by the governor in the manner prescribed in Section 80 of the Organic Act. Said board shall consist of nine members, comprising at least three professional engineers, three professional architects and three professional surveyors, and shall be known as the 'board of registration of professional engineers, architects and surveyors'. The appointments, unless to fill out unexpired terms, shall be for three years; subject, however, to removal by the governor in the manner prescribed in the Organic Act, and provided that of the members to be appointed hereunder on November 30, 1935, three shall hold office for a term of one year ending November 30, 1936; three shall hold office for a term of two years ending November 30, 1937; and three shall hold office for a term of three years ending November 30, 1938. Upon the expiration of each of such terms the term of office of each member thereafter appointed shall be for three years. Each member shall hold over

after the expiration of his term until his successor shall be duly appointed and qualified.

"Each member of the board shall have been a resident of the Territory for at least three years, and shall have been engaged in the practice of his profession for at least nine years immediately preceding the date of his appointment. Members of the board shall serve without pay, except the secretary, who shall be allowed such compensation as the board may fix with the approval of the governor. Any member of the board, however, who renders services and incurs expenses in connection with the preparation and grading of examination papers, shall be reimbursed for such services rendered and expenses incurred, such reimbursement not to exceed the sum of ten dollars (\$10.00) for each member for each such examination, and not to be made more than twice in one year."

SECTION 2. Section 3688 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

"Sec. 3688. Contents of certificate; use of seal. Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the board to practice professional engineering, architecture or land surveying.

"In the case of a certificate issued to a person authorizing him to practice professional engineering, the certificate shall furthermore indicate the major branch or branches of engineering in which such person has especially qualified.

"Every registered person may use a seal or rubber stamp of the design authorized by the board bearing his name and the words 'registered professional engineer', 'registered architect', or 'registered land surveyor', or otherwise as may be authorized by the board.

"All plans, specifications, maps and reports prepared by or under the supervision of such registered engineer, architect or surveyor, shall be stamped with said seal or stamp when filed with public officials. It shall be unlawful for anyone to seal or stamp any document with said seal or stamp after the certificate of the registrant named thereon has expired or has been revoked or suspended unless such certificate shall have been renewed or reissued.

"No official of this Territory nor of any political subdivision thereof, charged with the enforcement of laws or ordinances relating to the construction or alteration of buildings or structures, shall accept or approve any plans or specifications that are not stamped with the seal of a registered architect holding an unexpired certificate or with the seal of a registered engineer holding a certificate on which has been indicated that he has qualified in the structural engineering branch, unless the building or structure, for which



such plans or specifications are submitted, is exempted from the provisions of this chapter, and no map or survey shall be filed in the land court unless stamped with the seal of a registered land surveyor."

SECTION 3. Section 3689 of said Revised Laws is hereby amended to read as follows:

"Sec. 3689. Corporations and partnerships. A corporation or copartnership may engage in the practice of professional engineering, architecture or surveying in this Territory provided the person or persons, connected with such corporation or copartnership directly in charge of such professional work is duly registered hereunder, and provided further that the name or names of such person or persons has or have been filed with the board by such corporation or copartnership."

SECTION 4. Section 3693 of said Revised Laws, as amended, is hereby further amended to read as follows:

"Sec. 3693. Violations; penalties. Any person who shall practice, offer to practice or hold himself out as authorized and qualified to practice professional engineering, architecture or land surveying in the Territory, except as provided in Sections 3690 and 3692 hereof, or who shall use the title 'engineer', 'architect', or 'land surveyor', or any title, sign, card or device to indicate that such person is practicing professional engineering, architecture or land surveying or is a professional engineer, architect or land surveyor, without having first registered in accordance with the provisions of this chapter and without having a valid unexpired certificate of registration, or who shall use or attempt to use as his own the seal or the certificate of registration of another, or who shall falsely impersonate any duly registered practitioner hereunder, or who shall use or attempt to use an expired, suspended or revoked certificate of registration; or any firm or corporation which shall advertise that it will furnish architectural or engineering services in the making of plans or specifications or in the construction of any building or other structure, without first having complied with the provisions of Section 3689; or any firm or corporation which shall furnish or offer to furnish architectural or engineering services for the construction of any building, structure, project or utility in the Territory of Hawaii, without first having complied with the provisions of said Section 3689; or any person or firm who shall violate any of the other provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in the sum of not more than five hundred dollars or imprisoned for a period of not more than one year or by both such fine and imprisonment in the discretion of the court."

SECTION 5. A new section is hereby added to said chapter 211 of said Revised Laws to be known as Section 3683-A and to read as follows:

"Sec. 3683-A. Definitions. As used in this chapter:

"1. 'Professional engineer' means a person who engages in the practice of professional engineering as hereinafter defined.

"2. 'Architect' means a person who engages in the practice of architecture as hereinafter defined.

"3. 'Surveyor' or 'land surveyor' means a person who engages in the practice of land surveying as hereinafter defined.

"4. A person practices 'professional engineering' within the meaning and intent of this chapter, who holds himself out as able to perform, or who does perform, any professional service such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

"5. A person practices 'architecture' within the meaning and intent of this chapter, who holds himself out as able to perform or who does perform any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public buildings, structures or projects or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics and the physical sciences.

"6. A person practices 'land surveying' within the meaning and intent of this chapter, who holds himself out as able to make, or who does make, cadastral surveys of areas for their determination and description, and for conveyancing, and who has a thorough knowledge of the methods and instruments used in such surveys, and in all other types of surveys, including levelling and the methods employed in triangulation and obtaining topography and who has the capability of determining accurately (and of re-establishing accurately) the boundaries, position, extent, area, and contour of land, and the subdivisions thereof, together with the ability to furnish plans and descriptions of such surveys and lands and boundaries."

SECTION 6. The intent of this Act is that each profession named herein shall be represented by three members of the board herein

provided for and the governor shall, in conformity with such intent, when this Act becomes effective, appoint two additional members of said board whose terms shall expire November 30, 1935.

SECTION 7. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 135

[S. B. No. 191]

#### AN ACT TO CENTRALIZE THE COLLECTION OF DELINQUENT TAXES WITHIN ONE BUREAU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby created within the department of the tax commissioner, a separate bureau for the collection and general administration of delinquent taxes, to be known as the "delinquent tax bureau". The term "bureau" whenever appearing in this Act shall mean the said delinquent tax bureau.

SECTION 2. Collector. The tax commissioner may appoint, and at his pleasure remove, a collector for the bureau, to be known as the collector of delinquent taxes, who shall have entire charge of the bureau and be responsible to the commissioner for the collection and general administration of all delinquent taxes in the Territory. He shall duly and accurately account to the treasurer for all delinquent taxes collected.

SECTION 3. Attorney. The tax commissioner may appoint, and at his pleasure remove, an attorney as full time legal advisor and representative of the collector for the bureau. Such attorney may proceed to enforce payment of any delinquent taxes by any means provided by law, subject, however, to the provisions of that certain Act entitled "An Act to provide for the adjustment of certain delinquent taxes", passed by the legislature of this Territory. Any such legal proceeding may be instituted in the name of the commissioner or any of his deputies, the collector of the division in which the delinquency exists, or in the name of the collector of delinquent taxes.

SECTION 4. The tax commissioner may appoint and at his pleasure remove not more than six assistants to the bureau, whose duties shall be determined by the collector of delinquent taxes under the direction of the commissioner.

SECTION 5. Oath; bond. The collector of delinquent taxes, the attorney and all assistants shall each take an oath and give a bond in the manner provided for by law for other employees of the Territory in similar capacities.

SECTION 6. Expense fund; payments into and expenditures from. There is hereby created in the territorial treasury a special fund to be known as the delinquent tax bureau expense fund. Not later than ten days after the end of each month, the territorial treasurer shall transfer to said fund ten per cent of (a) all collections, including penalties and interest, of delinquent taxes assessed prior to the year of collection, and (b) all such collections made by or with the assistance of the bureau of delinquent taxes assessed during the year of collection, which have been paid to the said treasurer during such month. The tax commissioner shall by regulation provide for the proper segregation of payments of delinquent tax collections to the treasurer for the purposes of this section. Out of said fund shall be paid, on vouchers approved by the commissioner or any subordinate of his department duly authorized thereto by him, all expenses of the bureau; provided, however, that such expenditures from said fund for the fiscal biennium ending June 30, 1935 shall not exceed (a) for personal services the aggregate amount of \$30,000.00, and (b) for other current expenses and equipment the aggregate amount of \$2,400.00. Unless otherwise determined by law, the compensation of all persons appointed pursuant to this Act shall be fixed by the tax commissioner.

SECTION 7. Effective date. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 136**

[S. B. No. 228]

AN ACT TO AMEND SECTIONS 1 AND 4 OF ACT 296, SESSION LAWS OF HAWAII 1931, RELATING TO THE REFUNDING OF INDEBTEDNESS OF PUBLIC IMPROVEMENT DISTRICTS OF THE CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 296 of the Session Laws of Hawaii 1931, is hereby amended to read as follows:

"Section 1. The board of supervisors of the city and county of Honolulu is hereby authorized and empowered to provide for the refunding of the outstanding indebtedness of improvement districts located within said city and county, which were created according to law subsequent to December 31, 1926, in the manner hereinafter provided. The refunding project shall be initiated in the following manner:"

SECTION 2. Section 4 of Act 296 of the Session Laws of Hawaii 1931, is hereby amended by amending the second paragraph thereof to read as follows:

"A lower rate of interest than authorized in the original issue of bonds may be prescribed and the refunding bonds may be authorized to run for a term not to exceed fifteen (15) years from the maturity date of the outstanding bonds."

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 137**

[H. B. No. 350]

AN ACT TO AMEND SECTION 3326 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO REVOCATION OF WILLS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3326 of the Revised Laws of Hawaii 1925, is amended to read as follows:

"Sec. 3326. By marriage of woman. A will executed by any woman shall be deemed revoked upon her thereafter entering into marriage, and shall not be revived by the death of her husband."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 138**

[H. B. No. 382]

AN ACT TO AMEND SECTION 2421 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 166 OF THE SESSION LAWS OF 1925, RELATING TO THE PAY OF JURORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The words and figures "four dollars (\$4.00)" wherever the same appear in Section 1 of Act 166 of the Session Laws of 1925 are hereby amended to read "three dollars (\$3.00)."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 139**

[H. B. No. 333]

AN ACT TO AMEND SECTION 2681 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 16 OF THE SESSION LAWS OF 1931, RELATING TO DEATH BY WRONGFUL ACT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2681 of the Revised Laws of Hawaii 1925, as amended by Act 16 of the Session Laws of 1931, is further amended to read as follows:

"Sec. 2681. Action by dependent, when. When the death of a person is caused by the wrongful act or neglect of another, any person who was wholly or partly dependent upon such decedent may maintain an action for damages against the person causing the death, or if such person so liable was then employed by another person who is responsible for his conduct, then also against such employer. Where there is more than one person wholly or partly dependent upon such decedent, any action that may be brought shall be brought by all of such dependents or by one or more of such dependents for the benefit of all such dependents, but only one action may be brought and one recovery had. In every action under this section such damages may be given as under all the circumstances may be just and the trial court shall apportion the damages given among all the dependents. In such action the court shall cause notice to be given of the pendency thereof to all known dependents who have not joined therein. Such action must be commenced within two years after the injury which caused the death; provided, however, that nothing in this section shall be construed as authorizing any action to be maintained hereunder against the employer of such decedent in any case where any dependent of the decedent has a remedy for compensation under the provisions of Chapter 209."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 140**

[S. B. No. 216]

**AN ACT PROVIDING FOR THE LICENSING OF REAL ESTATE BROKERS AND REAL ESTATE SALESMEN.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. Wherever in this Act the following words and equivalent expressions appear they shall have the following meanings, respectively:

"Board" shall mean the real estate board of the Territory of Hawaii.

"Real estate broker" shall mean and include any person, co-partnership or corporation, who for a compensation or valuable consideration, sells or offers to sell, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, or rents or offers to rent any real estate, or the improvements thereon, for others as a whole or partial vocation.

"Real estate salesman" shall mean any person, who for a compensation or valuable consideration, is employed either directly or indirectly by a real estate broker to sell or offer to sell, buy or offer to buy, or negotiate the purchase or sale or exchange of real estate, or to lease or offer to lease, rent, or offer to rent any real estate, or the improvements thereon, for others as a whole or partial vocation.

"Real estate" shall mean and include lands, the improvements thereon, leaseholds and other interests less than leaseholds.

SECTION 2. Board, appointment, qualifications, tenure. There shall be appointed in the manner prescribed by the first paragraph of Section 80 of the Hawaiian Organic Act a board to be known as the real estate board, to consist of three members, each of whom shall be a citizen of the United States, and shall have resided in the Territory of Hawaii for at least three years preceding his appointment, and one of whom shall be designated by the appointing power as chairman. The first three members of the board appointed hereunder shall be appointed, one for a term to expire December 31, 1933, one for a term to expire December 31, 1934, and one for a term to expire December 31, 1935; thereafter every appointment shall be made for a term of three (3) years commencing from the date of the expiration of the last preceding term. Any vacancy shall be filled by appointment for the remainder of the unexpired term.

SECTION 3. Services without pay; expenses. The members of the board shall serve without pay. All expenses of the board shall be paid out of the special fund hereinafter provided.



SECTION 4. Powers and duties of board. It shall be the duty of the board and it shall have power in addition to any other duties and powers granted by this board:

[Sic]

(1) To grant licenses to real estate brokers and real estate salesmen pursuant to this Act;

(2) To enforce the provisions of this Act and the rules and regulations adopted pursuant thereto;

[Sic]

(3) From time to time to make, amend and appeal rules and regulations as it may deem proper to effectuate and carry out the purposes of this Act, which rules and regulations, when approved by the governor and published once in the English language, shall have the force and effect of law;

(4) To appoint and remove at pleasure such clerical assistants as it may require;

(5) To cancel or revoke any license for any cause prescribed by this Act or by such rules and regulations;

(6) To report to the governor annually and at such other times and in such other manner as he may require concerning its activities.

SECTION 5. Place of meeting. It shall be the duty of the superintendent of public works to provide suitable quarters for meetings of the board and for the transaction of its other business.

SECTION 6. Licenses required to act as real estate broker and salesman. No person, co-partnership or corporation shall act as real estate broker or real estate salesman, or shall advertise, or assume to act as such real estate broker or real estate salesman without a license previously obtained under and in compliance with the provisions of this Act and the rules and regulations of the board.

SECTION 7. No license issued when. No license hereunder shall be issued:

(1) To any person who does not possess a good reputation for honesty, truthfulness and fair dealing;

(2) To any person who has been convicted of a felony or a misdemeanor involving moral turpitude;

(3) To any co-partnership or corporation unless every member or officer of such co-partnership or corporation who actively participates in the real estate brokerage business thereof shall hold a license as a real estate broker and unless every employee who acts as a salesman therefor shall hold a license as a real estate salesman.

SECTION 8. Applications. Every applicant for a license under this Act shall file an application with the board in such form and setting forth such information as may be prescribed or required by the board, and shall furnish such additional information bearing upon the issuance of such license as it shall require. Every such application shall be sworn to before any officer authorized to administer oaths. In the case of a co-partnership or corporation any member or officer thereof may sign such application and verify the same on behalf of the applicant.

Every such application, in the case of an individual, shall be accompanied by sworn certificates of not less than two (2) persons who have known the applicant for a period of not less than six (6) months, certifying that the applicant bears a good reputation for honesty, truthfulness and fair dealing.

Every application for a license hereunder shall be accompanied by an application fee of five dollars (\$5.00).

SECTION 9. Form of licenses. The form of every license shall be prescribed by the board, and shall be issued in the name of the board, and signed by the chairman or any member thereof.

SECTION 10. Fees. The fee for any license prescribed by this Act shall be as follows:

(1) The fee to act as a real estate broker shall be twenty-five dollars (\$25.00);

(2) The fee to act as a real estate salesman shall be ten dollars (\$10.00);

(3) The annual renewal fee for a real estate broker shall be five dollars (\$5.00);

(4) The annual renewal fee for a real estate salesman shall be two and 50/100 dollars (\$2.50);

The annual renewal fee shall be paid to the board on or before the first day of January of each year. Failure, neglect or refusal of any duly licensed real estate broker or real estate salesman to pay such annual renewal fee shall constitute a forfeiture of the license of such real estate broker and real estate salesman. Such license may be restored upon written application therefor and the payment to the board of the sum of twenty-five dollars (\$25.00) in the case of a real estate broker, and ten dollars (\$10.00) in the case of a real estate salesman.

[Sic]

All fees and other moneys collected or received under the provisions of this Act shall be deposited in the territorial treasury, and set aside in a special fund. All expenses of the board, including expenses and compensation of clerical assistants, shall be paid out

of such fund upon vouchers approved by the board and signed by the chairman or any member thereof.

SECTION 11. Revocation, suspension, hearing. The board may revoke any license issued hereunder, or suspend the right of the licensee to use such license, for any of the following causes:

- (1) Conviction of any felony, or any misdemeanor involving moral turpitude;
- (2) Making any misrepresentation concerning any real estate transaction;
- (3) Making any false promises concerning any real estate transaction of a character likely to mislead another;
- (4) Pursuing a continued and flagrant course of misrepresentation, or making of false promises through advertising or otherwise;
- (5) Without first having obtained the written consent so to do of both parties involved in any real estate transaction, to act for both such parties in connection with such transaction, or to collect or attempt to collect commissions or other compensation for his services from both of such parties;
- (6) When such licensee, being a real estate salesman, accepts any commission or other compensation for the performance of any of the acts hereinabove enumerated in the definition of real estate salesman from any person, co-partnership or corporation other than his employer;
- (7) When such licensee, being a real estate salesman, represents, or attempts to represent, a real estate broker other than his employer;
- (8) Failing, within a reasonable time, to account for any moneys belonging to others which may be in the possession or under the control of such licensee;
- (9) Any other conduct constituting fraudulent or dishonest dealing.

In every case where it is proposed to revoke or suspend the exercise of any license for any of the causes hereinabove enumerated, written notice shall be given the licensee specifying the cause or causes for which it is proposed to take such action, and fixing the date of hearing, such notice to be given at least five (5) days before such hearing. At such hearing, before final action is taken by the board, the licensee shall be entitled to be heard in person, or through counsel.

In all proceedings before it, the board and each member thereof, shall have the same powers respecting administering oaths, compelling the attendance of witnesses, and the production of documentary evidence, and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person or persons of any order of the board, or any member thereof, or of any subpoena issued by it, or him, or the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the board, or a member thereof, to compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

SECTION 12. This Act inapplicable, when. The provisions of this Act shall not apply:

(1) To any person, co-partnership or corporation who, as owner of any real estate or acting under power of attorney from such owner, shall perform any of the acts hereinabove enumerated in the definitions of real estate broker and real estate salesman with reference to such real estate;

(2) To any person or corporation acting as a receiver, trustee in bankruptcy, administrator or executor, trustee acting under any trust agreement, deed of trust or will, or otherwise acting under any order or authorization of any court.

SECTION 13. Penalty. Any person, co-partnership or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00).

SECTION 14. Effective date. This Act shall take effect upon July 1, 1933, provided that prior thereto the members of the board may be appointed, and the board may make rules and regulations and act upon applications for licenses.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 141**

[S. B. No. 155]

AN ACT TO AMEND CHAPTER 132 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PUBLIC UTILITIES COMMISSION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 132 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending Section 2189 thereof to read as follows:

"Sec. 2189. Number, appointment, of commissioners. There is created a public utilities commission of five members, to be called commissioners, and who shall be appointed in the manner prescribed in the first paragraph of Section 80 of the Organic Act; provided, however, that no member of the commission shall be a salaried officer or employee of the Territory or of any political subdivision thereof. Two of such members shall be appointed from the city and county of Honolulu and one from each of the counties of Hawaii, Maui and Kauai. Two members of the commission shall be appointed for a term to expire December 31, 1933, two for a term to expire December 31, 1934, and one for a term to expire December 31, 1935; thereafter every appointment shall be made for a term of three years, commencing from the date of the expiration of the last preceding term. Any vacancy shall be filled by appointment for the remainder of the unexpired term. One of the city and county of Honolulu members shall be the chairman of the commission. Each of the members shall receive compensation at the rate of seven dollars (\$7.00) per day while actually engaged in the performance of his duties as commissioner, and such reasonable traveling expenses as may be incurred in the discharge of such duties; provided, however, that no member of such commission shall in any case receive more than one thousand dollars (\$1,000.00) as compensation for services for any one year. No person owning any stock or bonds of any public utility corporation, or having any interest in, or deriving any remuneration from, any public utility shall be appointed to or hold an office on the commission, or be appointed or employed by the commission."

SECTION 2. Said Chapter 132 is hereby further amended by amending Section 2190 thereof by deleting, in the last line thereof the words "if so requested by the commission."

SECTION 3. This Act shall take effect upon its approval, but shall not be construed to affect in any way any employment of private counsel existing upon March 31, 1933, for the handling

of litigation then pending in court. Upon the effective date of this Act the terms of office of the previously appointed members of the commission shall terminate.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 142**

[S. B. No. 180]

AN ACT TO AMEND SECTION 1822-E OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE OFFICE OF PUBLIC PROSECUTOR.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1822-E of the Revised Laws of Hawaii 1925, as enacted by Act 13 of the First Special Session Laws of 1932, is hereby amended to read as follows:

“Sec. 1822-E. Fee for service; not allowed when. Neither the public prosecutor of the city and county nor his assistants shall receive any fee or reward from or on behalf of any person for services rendered or to be rendered in any prosecution or business to which it shall be their official duty to attend.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 143**

[S. B. No. 183]

AN ACT TO AMEND CHAPTER 168 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO LIENS OF MECHANICS AND MATERIALMEN, BY AMENDING SECTIONS 2891, 2892, 2894 AND 2895 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2891 of the Revised Laws of Hawaii 1925, as amended by Act 207 of the Session Laws of 1929, is hereby further amended by adding at the end thereof a paragraph to read as follows:

“For the purposes of this chapter, the word ‘labor’ wherever used herein shall be deemed to include the professional services rendered in furnishing the plans for or in the supervision of such construction, repair, alteration or addition.”

SECTION 2. Section 2892 of the Revised Laws of Hawaii 1925, as amended by Act 207 of the Session Laws of 1929, is hereby further amended to read as follows:

“Sec. 2892. Filing Notice; duration of lien. The lien provided in Section 2891 shall not attach unless a notice thereof shall be filed in writing in the office of the clerk of the circuit court where the property is situated and a copy of the notice be served upon the owner of the property. The notice shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the same. If the claim has been assigned, the name of the assignor shall be stated. The notice shall be filed not later than forty-five (45) days after the date of completion of the construction, repair, alteration of or addition to the building, structure, railroad or other undertaking against which it shall have been filed and in the event title to the land involved is registered in the land court of the Territory of Hawaii, a duly certified copy of such notice must be filed with the assistant registrar of the land court within five (5) days after the same is filed with the clerk of the circuit court. The lien shall continue for sixty (60) days after the completion of the construction, repair, alteration of or addition to the building, structure, railroad or other undertaking against which it shall have been filed unless proceedings are commenced within said time to collect the amount due thereon by enforcing the same. In the case of liens of any person or association of persons furnishing labor or material to be used in the construction, repair, alteration of or addition to any

building, structure, railroad or other undertaking, the term 'date of completion' as used in this section shall be deemed to mean the time when the owner of the property shall complete publication of a notice that the construction, repair, alteration of or addition to the building, structure, railroad or other undertaking involved has been completed and shall file a copy of such notice in the office of the clerk of the circuit court where the property involved is situated; which notice shall be published twice, seven days apart, in a newspaper of general circulation printed and published in the county or city and county in which the property involved is situated. The term 'owner' as used in this section and as used in this chapter means the owner of land or any interest therein who enters into a contract for the improvement of such land and who may be the owner in fee of the land or of the lesser estate therein, the lessee for a term of years therein, the person having any right, title or interest in the real property which may be sold under legal process, or a vendee in possession under a contract for the purchase of the real property, or any such right, title or interest therein. If the land involved is held in joint or common ownership or as an estate by the entirety, the giving to one of the owners of a notice of lien in accordance with this section shall be deemed the giving of such notice to all of such owners."

SECTION 3. Section 2894 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2894. Priority; satisfaction. The lien herein provided of any person or association of persons furnishing labor or material to be used in the construction of any building, structure, railroad or other undertaking, shall relate to and take effect from the time of the visible commencement of operations for such construction; it shall have priority in order of filing over other liens of any nature, except liens in favor of any branch of the government and mortgages, liens or judgments recorded or filed prior to the time of the visible commencement of operations. The term 'visible commencement of operations' as used herein means the first actual work of improvement upon the land or the first delivery to the site of materials which remain thereon until incorporated in the improvement, of such manifest and substantial character as to notify interested persons that the land is being improved or is about to be improved. Liens of any person or association of persons furnishing labor or material to be used in the repair, alterations, or addition to any building, structure, railroad or other undertaking shall have priority in the order of filing over any mortgages or liens of any nature and shall be subject to any prior recorded mortgage, lien or judgment. Whenever the lien herein provided shall be satisfied (other than by the limitations expressed



[Sic] in Section 2892), a written notice thereof shall be filed with the clerk of the circuit court which shall be noticed in the mechanic's lien record and if title to the land involved is registered in the land court of the Territory of Hawaii, shall also be filed in the office of the assistant registrar of said court."

SECTION 4. Section 2895 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2895. Enforcement. The liens hereby provided may after demand and refusal of the amount due, or upon neglect to pay the same upon demand, be enforced by proceedings in any circuit court of competent jurisdiction, by service of summons, as in other cases. Such demand may be included in the notice of lien and when so included it shall not be necessary to make separate demand upon any person upon whom said notice of lien was served. The summons shall set forth the ordinary allegations in assumpsit, and, in addition thereto, note that a lien has been filed. Before proceeding to trial, the defendant shall be served with a detailed specification of the claim, provided that no such specification shall have been furnished before proceedings were commenced. Judgment upon such proceedings shall be as in ordinary cases, and may be enforced by execution as allowed by law. In case the contract for services or material upon which the lien has accrued shall have been directly with the owner of the property, an attachment upon any other property of the owner may issue in connection with the suit upon compliance with the law relating to attachments."

SECTION 5. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 144

[S. B. No. 185]

AN ACT TO AMEND CHAPTER 193 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3480A RELATING TO TRUST COMPANIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 193 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 3480A and to read as follows:

"Sec. 3480A. Increase or decrease of capital stock. Any trust company may at any time increase its capital stock, or reduce it, but not below the minimum provided by Section 3480, after having first received the written approval of the treasurer of the Territory and by the vote of the stockholders owning at least three-fourths of the stock in such trust company, at any regular or special stockholders' meeting, which may be called for that purpose. When the increase or decrease of such capital stock has been authorized at a stockholders' meeting as herein provided, the president, cashier, treasurer or secretary of such trust company shall prepare a certificate in form prescribed by the treasurer of the Territory containing a copy of the resolution, as passed by the stockholders at such meeting, authorizing the increase or decrease of such capital stock. Such certificate shall be signed and verified by oath of the president, cashier, treasurer or secretary of such trust company and forthwith transmitted to the treasurer of the Territory. Upon receipt of such certificate, the treasurer of the Territory may, in his discretion, authorize the increase or decrease of the capital stock of such trust company, and after such increase or decrease has been authorized and approved, shall thereupon issue his certificate showing the amount to which such capital stock has been increased or decreased by authority of the resolution. The amount of any increased capital stock shall be paid in in the same manner as required in the organization of a trust company."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 145**

[H. B. No. 120]

AN ACT TO AMEND SECTION 1974A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 195 OF THE SESSION LAWS OF HAWAII 1925, AND SECTION 1975 OF SAID REVISED LAWS, RELATING TO AUCTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1974A of the Revised Laws of Hawaii 1925, as enacted by Act 195 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1974A. No auction sale of goods, wares and merchandise shall be conducted between the hours of 6:00 o'clock in the evening and 8:00 o'clock in the morning, and no auction of any nature or description shall be conducted during the months of November and December of any year; provided, however, that this section shall not apply to sales of household furniture, vehicles, automobiles, machinery, livestock and like bulky articles, or to any sale made under the direction of any court, or to sales of any personal property belonging to the territory or to any county or city and county, or to a bona fide sale of a stock of merchandise where the creditors of the owner thereof are engaged in the legitimate closing out of such stock; nor to hawkers on the street nor peddlers from vehicles, nor to persons selling fruits, fish, vegetables, butter, eggs or other farm or ranch produce; provided, further, however, that the prohibitions of this section shall not apply to auctions held in public auction rooms which have been established six months or more."

SECTION 2. Section 1975 of said Revised Laws is hereby amended by deleting the period at the end thereof and inserting in lieu thereof a comma and the following words: "or to advertise or represent as an auction that which is or will be a sale other than auction."

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 146**

[H. B. No. 180]

AN ACT TO REQUIRE REGISTRATIONS OF CERTAIN CORPORATIONS, ASSOCIATIONS OR PERSONS ENGAGED IN TAKING OR SOLICITING ORDERS, CONTRACTS OR SUBSCRIPTIONS REQUIRING THE DELIVERY OF GOODS, WARES, OR MERCHANDISE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Every corporation, association or person, engaged either regularly or periodically in the business of soliciting orders, options of sale, contracts or subscriptions requiring the delivery, within the territory, of property or merchandise of any kind or description from places either within the territory or from places outside the territory, and not paying a business license fee or excise tax, shall, in order to engage in business within the territory, obtain and have in force a permit permitting it or him so to do, issued by the treasurer of the territory in accordance with this Act.

SECTION 2. Application to the treasurer. An application in writing for such permit shall be made and filed with the treasurer and shall set forth and include, properly verified under oath:

1. The name and address of the applicant, length of residence in the territory, and if a corporation, the names of the corporate officers, and a certified copy of the charter or articles of incorporation;
2. The names and addresses of all corporations, associations, or persons for whom the applicant is acting or for whom the applicant is authorized to solicit orders, options of sale, contracts or subscriptions;
3. Kind and nature of goods, chattels or property for the sale of which the applicant proposes to solicit orders, options of sale, contracts or subscriptions;
4. A certified copy of the applicant's written authorization or power of attorney showing the extent of the applicant's authority to act on behalf of the corporation, association or person enumerated in subsection 2 hereof, together with proof that such authorization or powers of attorney have been duly executed by the persons purporting to execute the same.

SECTION 3. Duty of the treasurer. It shall be the duty of the treasurer to examine the statements, information and documents filed with the application and any further information that may

be presented to him by any person. If the treasurer from such examination shall find that the applicant and the vendors it or he represents have not been convicted of a felony or crime involving moral turpitude, within the territory, and that the applicant and the vendors are engaged in legitimate, lawful business, he shall issue the permit, otherwise he shall refuse to issue the permit and notify the applicant in writing of his decision. The permit may be revoked or suspended by the treasurer for good cause shown to him, after notice to the issuee and a hearing.

SECTION 4. Violation. Any corporation, association or person which or who shall engage in soliciting orders, options of sale, contracts or subscriptions in violation of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction be subject to fine not exceeding one thousand dollars, and, if a natural person, to imprisonment not exceeding one year or to both fine and imprisonment.

SECTION 5. If any subsection, sentence, clause or phrase of this Act is for any reason held unconstitutional that shall not affect the validity of the remaining portions of this Act.

SECTION 6. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 147

[S. B. No. 29]

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF CLAIMS RESULTING FROM ANIMALS SLAUGHTERED UNDER THE PROVISIONS OF SECTION 629 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 215, SESSION LAWS OF 1927, ACT 99, SESSION LAWS OF 1929, AND ACT 39, SPECIAL SESSION (SECOND SESSION) LAWS OF 1932.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated, out of the general revenues of the Territory of Hawaii not otherwise appropriated, the sum of three thousand three hundred ten and 45/100 dollars (\$3,310.45) for the reimbursement of the hereinafter named persons for animals slaughtered under the provisions of Section 629

of the Revised Laws of Hawaii 1925, as amended by Act 215 of the Session Laws of 1927, Act 99 of the Session Laws of 1929, and Act 39 of the Second Special Session Laws of 1932:

K. Ishiki .....	\$ 175.00
Kilauea Sugar Company.....	155.95
Joe Oliveira .....	50.00
M. Sakumoto .....	25.00
R. Sokei .....	25.00
Waimea Dairy .....	100.00
Lawrence Clement .....	50.00
K. Kubo .....	75.00
Lihue Plantation Company.....	113.96
Manuel Gomes .....	25.00
Joe Pacheco .....	25.00
Waialua Agricultural Company.....	32.96
John Ruiz .....	75.00
Hawaii Dairy .....	516.66
S. Motohu .....	550.00
M. F. Perry.....	50.00
New Pacific Dairy.....	23.33
John Freitas .....	150.00
Estate of John Freitas.....	600.00
Antone Silva, Sr.....	25.00
Hawaiian Commercial & Sugar Co.....	75.00
Samuel Mahelona Memorial Hospital.....	50.00
Joe Roque .....	50.00
Haleakala Dairy .....	50.00
Sophie Hennig .....	15.18
Branco Dairy .....	17.33
J. de Mello.....	50.00
T. F. Farm.....	25.00
Hygienic Dairy .....	50.00
Joe Cambra .....	36.40
M. Costa, Sr.....	50.00

Payment of the sums set forth above shall be made by the auditor of the Territory of Hawaii upon vouchers approved by the proper officers of the board of agriculture and forestry.

SECTION 2. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 148**

[S. B. No. 146]

**AN ACT CREATING A SUPPLIES DIVISION IN THE BUREAU OF THE BUDGET FOR THE PURCHASE OF AND ACCOUNTING FOR TERRITORIAL SUPPLIES AND EQUIPMENT.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby created a supplies division in the bureau of the budget for the purchase of and accounting for such governmental supplies and equipment for such territorial departments, boards, commissions and offices as the governor may by rule and regulation prescribe. No persons other than those designated by the governor will contract for supplies or equipment involving the expenditure of territorial funds.

SECTION 2. It shall be the duty of the head of every department, board, commission or office of the Territory having the care, custody and control of any territorial property to submit to the bureau of the budget within thirty days after the passage of this Act a full, true and correct list of detailed items of all property, equipment and supplies belonging to the Territory and in the possession, control, custody and use of any such department, board, commission or office. Such list shall be in such form and contain such information as may be required by the director of the bureau of the budget.

SECTION 3. It shall be the duty of the director of the bureau of the budget to prepare and keep a separate consolidated record for each department, board, commission or office of the government having the care, custody or control of any territorial property and held on a memorandum receipt, and to effect an annual settlement on July 1st of each year with each person holding property on memorandum receipt.

SECTION 4. The head of every department, board, commission or office of the Territory shall be responsible for all territorial property pertaining to his office or department, whether he receipts for the same or not, and will not transfer his responsibility therefor to a successor during short periods or absence unless with the written consent of the governor. Shortages occurring during the administration of one person are not the responsibility of his successor. The new officer shall be responsible only for the property he actually receives or for which he receipts.

SECTION 5. The governor may by rule and regulation prescribe the classes of property, whether expendable or non-expendable or

ACT 148]	CREATING SUPPLIES DIVISION.	
ACT 149]	RELIEF OF MARGARET BERGEN.	
	PREFERENCE, FURNISHING SUPPLIES FOR	
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otherwise; may provide for the action to be taken in case of lost, damaged, destroyed, unserviceable or unsuitable property, and may likewise provide for the transfer of any property between the several departments, commissions, boards or offices of the government.

SECTION 6. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 149

[S. B. No. 169]

AN ACT FOR THE RELIEF OF MISS MARGARET BERGEN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of regents of the University of Hawaii is hereby authorized to pay out of any appropriation available for such purpose, to Miss Margaret Bergen for the period from the date when she reached the age of seventy years up to not later than August 31, 1933, or such earlier date at which said board may terminate her services, such salary as the board may allow her for services performed for said university during said period, not to exceed, however, the total sum of \$1,545.00.

SECTION 2. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 150

[S. B. No. 197]

AN ACT TO AMEND CHAPTER 18 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE NUMBERED 173A, RELATING TO PREFERENCE ON FURNISHING SUPPLIES, MATERIALS AND WORK FOR PUBLIC USE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new section is hereby added to Chapter 18 of the Revised Laws of Hawaii 1925, to be numbered Section 173A, to read as follows:



"Sec. 173A. Printing, binding and stationery work performed for or on behalf of the Territory of Hawaii or any political subdivision thereof or municipality therein.

"(1) All printing, binding and stationery work for the Territory of Hawaii or any city and county, county, city, town, municipality or other political subdivision thereof shall be performed within the Territory of Hawaii, and all requests for bids and/or contracts for such work shall so stipulate; provided, however, that whenever it shall be established that any such work cannot be performed within the Territory or that the lowest price for which such work can be procured within the Territory exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids submitted for such work or any part thereof are not reasonably competitive, it shall be lawful to have such work performed outside the Territory.

(2) No payment shall be made by the Territory or any city and county, county, city, town, municipality or other political subdivision thereof for printing, binding or stationery work unless it shall appear that such was done within the Territory of Hawaii, or was authorized to be done outside the Territory pursuant to the provisions of paragraph (1) of this Act.

(3) No person or persons other than citizens of the United States of America, shall be employed in the execution or performance of any contract for printing, binding or stationery work for the Territory of Hawaii, or any city and county, county, city, town, municipality or other political subdivision thereof.

(4) If any portion or portions of this Act shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions hereof."

SECTION 2. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 151**

[S. B. No. 203]

AN ACT TO PERMANENTLY EXTEND THE PROVISIONS OF ACT 267, SESSION LAWS OF 1927, PROVIDING PENSIONS FOR CERTAIN PERSONS THEREIN DESIGNATED AND TO AUTHORIZE AND DIRECT THE AUDITOR AND TREASURER OF THE TERRITORY OF HAWAII TO PAY SAID PENSIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The pensions established in Act 267, Session Laws of 1927, and extended under Act 74, Session Laws of 1929, and further extended under Act 195, Session Laws of 1931, are hereby permanently extended, subject to the conditions in said Act provided, until abolished, amended and/or otherwise acted upon by the legislature.

Such payments are hereby appropriated out of the monies received in the treasury from the general revenues.

SECTION 2. This Act shall take effect from and after July 1, 1933.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 152**

[S. B. No. 233]

AN ACT TO IMPOSE A SPECIAL TAX ON PUBLIC UTILITIES IN THE YEAR 1933 AND TO PROVIDE FOR THE COLLECTION THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Special public utility tax. In lieu of all taxes other than income taxes, the fees prescribed by Chapter 132 of the Revised Laws of Hawaii 1925, as amended, and any tax specifically imposed by the terms of its franchise, there shall be levied and assessed on each public utility within the Territory a special tax in the year 1933, of such rate per cent of its gross income from its public utility business as shall be determined in the manner hereinafter provided.

## SECTION 2. Definitions.

(a) The term "public utility" as used in this Act shall have the meaning given that term in Section 2208, as amended, of the Revised Laws of Hawaii 1925;

(b) The term "gross income" shall have the meaning of that term as used in Section 2207 of said Revised Laws and shall refer particularly to gross income for the calendar year 1932;

(c) The term "net operating income" means the operating revenues less the operating expenses and tax accruals, including, in the computation of such revenues and expenses, debits and credits arising from equipment, rents and joint facility rents, for the period of the calendar year 1932.

SECTION 3. Returns. Each public utility, within twenty days from the effective date hereof, shall file with the tax collector for the division within which the principal office of the public utility is maintained, a return in the same form prescribed by the tax commissioner for returns required under the provisions of Act 43 of the Second Special Session Laws 1932, showing its gross income for the year 1932 and such other information as shall be required by such return. In case any public utility carries on lines of business other than its public utility business, the receipts therefrom shall not be included in the computation of the tax under this Act, but the same tax liabilities shall remain attached to such public utility on account of such other lines of business and the real property used in connection therewith as would exist if no public utility business were done.

SECTION 4. Rate, how determined. The rate of the tax payable by any public utility for the purposes of this Act shall be determined as follows: If the ratio of the net income of the company for the year 1932 to its gross income for the year 1932 is fifteen per cent or less, the rate of the tax on gross income shall be five per cent; for all companies having net income for the year 1932 in excess of fifteen per cent of the gross, the rate of the tax on gross income shall increase continuously in proportion to the increase in ratio of net income to gross, at such rate that for each increase of one per cent in the ratio of net income to gross there shall be an increase of one-fourth of one per cent in the rate of the tax.

The following formula may be used to determine such rate, in which formula the term "r" is the ratio of net income to gross income and "x" is the required rate of the tax on gross earnings for the year 1932 for the utility in question:

$$x = (1.25 + 25r) \%$$

provided, however, that in no case shall "x" be less than five per cent.

SECTION 5. Credits. Against the net amount of tax imposed upon any public utility under the provisions of this Act there shall be allowed a credit of such amount as is paid by such public utility during the year 1933 pursuant to the provisions of Act 43 of the Second Special Session Laws 1932.

SECTION 6. Assessments; payments, income tax laws applicable. The tax imposed by this Act shall be paid to the tax collector at the times, and in the manner (in installments or otherwise) prescribed by the income tax laws of the Territory with respect to persons whose returns are made upon a calendar year basis, provided, however, that the first payment shall be payable at the time the return is required to be filed. The tax commissioner shall have the same powers in respect to returns hereunder and other matters relating hereto as are now vested in him under the provisions of Act 44 of the Second Special Session Laws 1932. All provisions of the laws of the Territory not inapplicable and not inconsistent with the provisions of this Act, relating to returns for income tax purposes, the assessment (including additional assessments), collection and payment (in installments or otherwise) of income taxes, and the powers and duties of the tax commissioner, assessors, collectors and the territorial treasurer in connection therewith, and relating to appeals from and/or other adjustments of such assessments, limitation periods for assessments, enforcement of attendance of witnesses and the production of evidence, examination of witnesses and records, the effect of assessments, tax books and lists and other tax records as evidence, delinquent dates and penalties, and the rights and liabilities (civil and criminal) of taxpayers and other persons in connection with any matters dealt with by such income tax law, are hereby made applicable (a) to the taxes and the assessment, payment and collection thereof, provided by this Act; (b) to the tax commissioner, tax assessors, tax collectors and the territorial treasurer in connection with such taxes and the assessment, payment and/or enforcement of payment and collection thereof; and (c) to taxpayers and other persons affected by the provisions of this Act as the case may be.

SECTION 7. Disposition of funds. All taxes collected under the provisions of this Act shall be territorial realizations.

SECTION 8. Purpose and construction of Act. An ambiguity having been claimed by some public utilities to exist as to whether the tax imposed by Act 43 of the Second Special Session Laws, 1932, attaches under said Act in the year 1933 measured by the gross income for the year 1932, said utilities claiming that no tax is payable under said Act in the year 1933, whereas all other public utilities have recognized and are paying the said tax in the year 1933 measured by the gross income of the year 1932, as fully

	SPECIAL TAX ON PUBLIC UTILITIES.	[Act 152]
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intended by the legislature in enacting said Act 43, the purpose of this Act, toward which end it shall be construed, is to provide that in the year 1933 the same tax shall be paid by all public utilities, either under said Act 43 or under this Act, and that no public utility shall escape taxation by reason of said alleged ambiguity.

SECTION 9. Effective date. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 153

[S. B. No. 240]

AN ACT FOR THE RELIEF OF LEWIS T. ABSHIRE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay Lewis T. Abshire the sum of one hundred sixty-five and 04/100 dollars (\$165.04), upon vouchers to be prepared by the board of health, the said amount covering advances made by him for payroll purposes in carrying out the terms of an agreement for the construction of a roadway in the territorial hospital grounds at Kaneohe; the said sum is hereby appropriated for said purpose out of the general revenues of the Territory.

SECTION 2. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 154

[S. B. No. 119]

AN ACT TO LICENSE AND REGULATE THE BUSINESS OF MAKING LOANS AND TO PROVIDE EXEMPTION AND PUNISHMENT FOR THE VIOLATION OF THIS ACT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Who may loan. No person, co-partnership or corporation shall engage in the business of making loans of money,

credit or things in action except as authorized by this Act and without obtaining a license from the treasurer of the Territory of Hawaii, hereinafter called the treasurer.

SECTION 2. Application for license. Application for such license shall be in writing on a form which shall be prescribed by the treasurer and shall contain the full name and address, both of the residence and place of business, of the applicant; and if the applicant is a co-partnership, of every member thereof, or if a corporation, of each officer thereof; also the address, both street and number, if any, where the business is to be conducted. The application shall also set forth to the satisfaction of the treasurer any information that he may require, and in particular, set forth the charges that are to be made for loans or for different classes of loans, as interest or on any other account either directly or indirectly by way of commissions for advances, discount, exchange or by any contract or contrivance or device whatever and whether to be paid or allowed to the applicant or to any agent or third party whatever, and whether such charges are to be paid or deducted in advance or otherwise, and whether rebates of any of the above charges are to be allowed, and if so at what rate, for the payment of loans before due date by cash or by renewal or by incorporation in another loan or by any other means. There shall be attached to the application and listed therein, as accompanying documents, a rate chart or rate charts which shall be issued to borrowers or for the guidance of the applicant and his employees or agents setting forth the aforesaid charges, the forms of notes and any other documents or printed statements, and receipt forms for repayments of loans that are to be used in the normal course of business. Every such applicant at the time of making such application shall pay to the treasurer a filing fee of \$10.00.

SECTION 3. Treasurer to issue or refuse license. Within two weeks of the filing of such application and the payment of said fee, the treasurer shall either issue a license or inform the applicant that the application is refused. The treasurer shall refuse to issue a license if he is of the opinion that the proposed method of operation would constitute a breach of this Act or of other laws of the Territory.

SECTION 4. Powers. Every person, co-partnership or corporation under the provisions of this Act shall have power:

(a) To loan money on personal security, or otherwise, and to deduct interest therefor in advance at the rate of one per cent per month, or less and, in addition, may receive and require uniform weekly or monthly installments.

(b) To charge for a loan made pursuant to this section a fee of

\$2.00 or less on loans under \$100.00, for expenses in examining and investigating the character and circumstances of the borrower; no additional charge shall be made except to reimburse the licensee for money actually expended for additional service actually rendered the borrower.

SECTION 5. Requirements on making and payment of loans. Every licensee shall deliver to the borrower at the time a loan is made a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, the name and address of the borrower and of the licensee and the interest charged; and shall give to the borrower a plain and complete receipt for all payments made on account of any such loan at the time such payments are made; and shall upon repayment of the loan in full mark indelibly every paper signed by the borrower with the word "paid" or "cancelled" and release any mortgage, restore any pledge, cancel and return any note and cancel and return any assignment, contract or other evidence of indebtedness given by the borrower as security.

SECTION 6. Books and records to be kept by the licensee. The licensee shall keep such books and records in his place of business in such manner to conform to practical accountancy and to permit of ready examination. Such books shall be kept in the English language. Every such licensee shall preserve the records of final entry used in such business, including cards used in the card system, if any, for a period of at least two years after the making of any loan recorded therein.

SECTION 7. Examinations and investigations; bank examiner to conduct. Examinations and investigations relating to this Act and violations thereof shall be instituted and conducted by the bank examiner in conformity and pursuant to the provisions of Chapter 100 of the Revised Laws of Hawaii 1925, as amended, the provisions of which are extended and made applicable hereto.

SECTION 8. Those excluded from the provisions of this Act. This Act shall not apply to banks, trust companies, building and loan associations, insurance companies, pawnbrokers, or to any transactions with banks, trust companies, building and loan associations, insurance companies, pawnbrokers, or to persons, co-partnerships or corporations selling goods, wares or merchandise on a time payment plan, or to any person, firm or corporation under the jurisdiction of the National Bank Act or the Federal Reserve Act, or to the sale of goods, wares or merchandise on a time payment plan, provided, however, that such selling or such sale shall not be a contrivance or device within the meaning of Section 2 of this Act; nor shall this Act apply to operations or persons engaged in

operations principally pertaining to agriculture, manufacture or other industry or undertakings where the making of loans, extension of credit or furnishing of materials, on the amount or value of which interest is charged, is merely incidental to such principal operations.

SECTION 9. Violations and penalties. Any corporation, not herein specifically excluded, that violates or fails to comply with any of the provisions of this Act shall be subject to a penalty of not more than one thousand dollars, which penalty, if unpaid after demand made pursuant to an order of the treasurer, shall be recovered in an action brought in the name of the Territory by the attorney general.

Every person who violates or fails to comply with any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SECTION 10. Effective date. This Act shall take effect on July 1, 1933.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 155

[S. B. No. 201]

AN ACT TO AMEND SECTION 16 OF ACT 96 OF THE SESSION LAWS OF HAWAII 1929, RELATING TO THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 16 of Act 96 of the Session Laws of Hawaii 1929, is hereby amended to read as follows:

"Section 16. Rates. The board shall have the power to fix and adjust rates and charges for the furnishing of water and for water service such that the revenues derived therefrom shall be sufficient to make the water works self-supporting and to meet all expenditures included under items (a), (b), (c), (d) and (e) of Section 14 of this Act; and any other expenditures which may be occasioned, either directly or indirectly, in supplying water in the



district of Honolulu; to collect, and by appropriate means, including the discontinuance of service to delinquent consumers, or civil action in the name of the board, enforce the collection of such rates and charges; and to adjust and settle all complaints, claims and accounts of consumers or the public. All water furnished to the city and county or any department thereof, or to the Territory of Hawaii or any department thereof, shall be charged to the respective departments and collected at the regular rates established by the board. There shall be no free water except as authorized by the legislature. Provided, however, that this section shall not be construed as empowering the board to charge the city and county of Honolulu for water or water service heretofore furnished or to be furnished for the period ending December 31, 1935, for the purpose of fire protection within the district of Honolulu."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 156

[S. B. No. 222]

AN ACT TO AMEND SECTION 1 OF ACT 75 OF THE SESSION LAWS OF 1931, PROVIDING AND FURNISHING MEDICAL, SURGICAL AND HOSPITAL SERVICES AND SUPPLIES TO POLICE OFFICERS AND FIREMEN INJURED IN THE PERFORMANCE OF THEIR DUTY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 75 of the Session Laws of 1931 is hereby amended to read as follows:

"Section 1. Whenever any employee of the police department or fire department of the city and county of Honolulu receives personal injury by accident arising out of and in the performance of his duty, and without negligence on his part, the board of supervisors of the city and county of Honolulu shall provide and furnish such medical, surgical and hospital services and supplies as the nature of the injury may require, provided, however, that any employee may decline such care or treatment and provide other care or treatment for himself at his own expense, and such injured

employee shall further be continued on the payroll of his respective department at his full regular monthly salary during the first four (4) months of his disability and thereafter during the period of his total disability from work at 60% of his regular monthly salary. Any benefits received under this Act shall be in lieu of any benefits which might otherwise be allowable under Chapter 209 of the Revised Laws of Hawaii 1925, as amended, and in case the beneficiary is awarded any benefits under Chapter 130 of said Revised Laws, as amended, the amount of any benefits payable from time to time to such beneficiary under this Act shall be deducted from, or applied on account of, any amount payable during the same period to such beneficiary under said Chapter 130."

SECTION 2. This Act shall take effect upon its approval and shall operate retroactively.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 157

[S. B. No. 248]

AN ACT TO PROVIDE UNIFORM RESTRICTIONS AND REGULATIONS CONCERNING THE PAYMENT OF ALL PENSIONS GRANTED BY SPECIAL LEGISLATIVE ACTS, OTHER THAN THOSE PAYABLE TO BENEFICIARIES OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII UNDER THE LAWS RELATING THERETO.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following provisions shall be applicable to every pension, and to every recipient or beneficiary thereof, heretofore granted or provided for by any special Act of the legislature of this Territory (other than pensions, or the recipients thereof, payable to beneficiaries of the employees' retirement system of the Territory under Act 55, Session Laws of Hawaii 1925, as amended or supplemented) whether such pension be payable by the Territory or by any county or city and county, or by any board, commission, bureau, department or other agency thereof:

(a) No such recipient or beneficiary shall be permitted to draw any such pension, or any portion thereof, in excess of \$50.00 per month, while he is holding any salaried position or office in, under

or by authority of the United States, the Territory of Hawaii, or any political subdivision thereof.

(b) If such recipient or beneficiary is a widow, the pension so granted to her shall cease upon her remarriage.

(c) If any such recipient or beneficiary shall receive, from any office or employment other than offices or employments mentioned in subsection (a) of this section, a wage or salary which, if added to such pension, shall exceed the average monthly wage or salary paid him during the last five years of his employment, immediately prior to the granting of such pension, then such pension shall be reduced to the extent of such excess.

(d) Any such pension payable to any minor shall cease upon such minor reaching the age of eighteen years.

(e) If any male recipient or beneficiary of such pension, having a wife at the time such pension was first granted to him, shall die, then such wife, as long as she remains a widow, shall be paid sixty per centum (60%) of the amount of the pension payable to such male beneficiary.

SECTION 2. All Acts, or portions thereof, heretofore enacted by the legislature of the Territory granting or providing for the payment of pensions to any persons other than beneficiaries of the employees' retirement system of the Territory of Hawaii under Act 55 of the Session Laws of Hawaii 1925, as amended or supplemented, inconsistent with the provisions of this Act, or providing for restrictions upon the payment of any pensions subject to the provisions of this Act which restrictions are different from those prescribed by this Act, shall be superseded by this Act.

SECTION 3. This Act shall take effect July 1, 1933.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 158**

[H. B. No. 184]

AN ACT AMENDING CHAPTER 192 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INSURANCE, ADDING A SECTION THERETO TO BE KNOWN AS SECTION 3444-A, AND TO AMEND SECTIONS 3415 AND 3444 THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3415 of the Revised Laws of Hawaii 1925, as amended by Act 122, Session Laws of 1925, is hereby further amended by adding thereto a new sub-section to read as follows:

(14) "Minimum capital" shall be construed to mean the minimum amount an insurance company is required by law to have paid in as its capital for such company to do business in the Territory.

SECTION 2. Section 3444 of the Revised Laws of Hawaii 1925 is hereby amended to read as follows:

"Sec. 3444. Investments of domestic insurance companies.

"(1) No domestic insurance company or society shall invest any of its assets otherwise than as authorized in this section, but no domestic insurance company or society shall be required to change any investment legally made before April 21, 1933.

"(2) Investments may be made in:

"(a) Real estate to the extent that may be necessary to provide for the convenient accommodation of its business as well as other offices, apartments and stores on the same premises for rent as a source of income, provided that the expenditure for the real estate and the erection and extensions of buildings thereon shall not exceed thirty per centum of its admitted assets; also such real estate as may be conveyed to it, or to any person for it by way of mortgage, or in trust or otherwise, to secure or provide for the payment of loans previously contracted or moneys due; such as may be purchased at sales upon foreclosure of mortgages or under trusts or in enforcing any security or under judgments or decrees obtained for loans, debts or claims due it or on executions issued upon judgments or decrees; and such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings. All real estate which is not held for the accommodation of the company or society in the transaction of its business and for rental purposes as aforesaid must be sold and disposed of within five years after acquiring title to the same, provided that the commissioner may, for cause shown, extend this time for periods not exceeding five years each;

“(b) Bonds and notes secured by first mortgages or deeds of trust on unencumbered real estate worth at least fifty per centum more than the amount of said first mortgages or deeds of trust, provided that no building shall be included in such value beyond the amount of the insurance thereon for which a policy shall have been transferred to the company or society or trustees for the mortgages or deeds of trust, and shall be kept in force as long as the loan continues;

“(c) Bonds which are a direct obligation of the United States or of the Territory or any municipal subdivision thereof, or of any state, county, city, town, township or school district within the United States, either having a population of fifty thousand inhabitants or over, or whose indebtedness, deducting sinking funds available for the payment of its bonds, does not exceed ten per centum of the valuation of property therein as assessed next preceding the date of the investment;

“(d) Bonds and notes of any railroad, street railway, or public utility located in the territory or wholly or principally in the United States, the capital stock of which equals at least one-third of its funded indebtedness, which for the three years preceding the date of the investment has regularly paid all interest charges on its funded indebtedness, and for that period has regularly earned, after deducting all proper charges, at least five per centum (5%) upon all issues of its paid up capital stock, or in the mortgage bonds of any railroad, railway, or terminal corporation which have been, both as to principal and interest, assumed or guaranteed by any such railroad or railway corporation. Investment may be made in mortgage bonds of a railroad corporation not complying with said requirements as to capital stock where the situation as to liens junior to the mortgage bonds is such as hereinbefore required as to capital stock;

“(e) Stock issued by any Federal Home Loan Bank of which such insurance company may be eligible to be a member;

“(f) Bonds, debentures and notes issued by any Federal Home Loan Bank;

“(g) Loans secured by collateral security consisting of any of the above;

“(3) A life insurance company may also invest in:

“(a) Loans upon the security of its own policies not exceeding the legal reserve on the policy.

“(4) The minimum capital of every such domestic insurance company or society required to have a capital, to the extent of the

minimum capital required by law, shall be invested and kept invested in such securities as are enumerated in paragraphs (b), (c), (d), (e), (f) and (g) of subsection (2) of this section.

“(5) The residue of the capital and the surplus money and funds of every such domestic insurance company or society over and above its minimum capital may be invested in or loaned on the pledge of any public stocks or bonds of any one of the United States, or in bonds and mortgages on improved unencumbered real property in this territory worth fifty per centum more than the amount loaned thereon, or except as in this chapter otherwise provided, in the stocks, bonds or other evidence of indebtedness of any solvent institution incorporated under the laws of the United States or of any state or territory thereof, or in such real estate as it is authorized by this chapter to hold, or in loans secured by collateral security consisting of any of the within.

“(6) Not more than ten per centum of the invested assets of any such domestic insurance company or society may be invested in or loaned upon the security of any one institution, nor loaned upon the security of any one piece or parcel of property, but this restriction shall not apply to investments in stocks of other insurance companies or societies.

“(7) No life insurance company or society shall invest in, acquire or hold, directly or indirectly, more than ten per centum of the capital stock of any corporation, nor shall more than ten per centum of its admitted assets be invested in the stock and securities of any one corporation or upon the security of any one enterprise or property, nor shall more than one-half of its admitted assets be invested in any one class of securities mentioned in this section other than those in paragraph (b) of sub-section (2) of this section which shall not exceed three-fourths of the admitted assets.

“(8) No such funds of any such domestic insurance company or society shall be invested in or loaned on its own stocks, nor invested in or loaned on the stock of any insurance company or society nor invested in or loaned on the stock of any corporation which has invested in or loaned any of its funds on the stock of any insurance company or society or which has invested in or loaned any of its funds on the stock of any corporation having an investment, interest or equity of any nature or description in the stock of an insurance company or society, except as herein provided. It may invest not more than fifty per centum of its surplus funds directly in the stocks of other insurance companies or societies. Such domestic insurance company or society may invest in or loan its surplus funds on the stocks, bonds or other evidence of indebtedness of any solvent institution incorporated under the laws of the United States or of any state or territory thereof, notwith-

standing that such institution has an investment, interest or equity of any nature or description in the stocks of any insurance company or society or companies or societies, including the stock of the investing insurance company or society, provided that such investment, interest or equity is not in the aggregate in excess of five per centum of the total gross assets of such institution. In determining the condition of any domestic insurance company or society investing its funds as herein permitted in the stock of an insurance company or society, the insurance commissioner shall only allow such stock as an asset at the value ascertained by dividing the aggregate amount of the surplus and capital of such insurance company or society by the number of its shares of capital stock issued.

“(9) Every such domestic company or society doing business in other states of the United States or in foreign countries, may invest the funds in the same kind of securities in such other states or foreign countries as such corporation is by law allowed to invest in, in this territory.

“(10) In determining the condition of any such domestic insurance company or society, the insurance commissioner shall only allow securities to be valued at not exceeding the National Insurance Commissioner's convention values or where not available at their current market values, but in any event the insurance commissioner shall not credit any such insurance company or society transacting business in this territory with any security as a part of its minimum capital unless the security is interest or income-bearing or dividend-paying.

“(11) If any such domestic insurance company or society shall have invested any of its funds in or loaned any of its funds upon the stock, bonds or other evidences of debt of other corporations or of any nation, state, county, city, town, village, school district, municipality or other civil division of any state, pursuant to the laws of this Territory, and the commissioner shall have reason to believe that such stock, bonds or other evidences of debt are not amply secured or are not yielding an income, he may direct it to report to him under oath the amount thereof, the security therefor and its market value. No stock and no bond or other evidence of debt if in default as to principal or interest, or if not amply secured, shall be valued as an asset of the corporation above its market.”

SECTION 3. A new section is hereby added to the said Revised Laws of Hawaii to be known as Section 3444-A, reading as follows:

“Sec. 3444-A. (1) Any domestic insurance company or society

is hereby authorized and empowered to become a member of a Federal Home Loan Bank.

“(a) Nothing in the laws of this territory shall prohibit any domestic insurance company or society from becoming a member of a Federal Home Loan Bank, in the manner provided in the Federal Home Loan Bank Act, nor from investing any part of its capital or surplus or funds, subject to limitations of sub-section (6) of Section 3444, in the capital stock of such Federal Home Loan Bank in accordance with the terms and provisions of such Federal Home Loan Bank Act.

“(b) Any domestic insurance company or society joining or associating itself with such Federal Home Loan Bank shall have and exercise all powers, not in conflict with the laws of this territory, which are conferred upon any member insurance company or society in any such Federal Home Loan Bank, by the provisions of the Federal Home Loan Bank Act and the regulations of the Federal Home Loan Bank Board. Such member insurance company or society and its directors, officers, stockholders, shareholders, and members shall continue to be subject, however, to all liabilities and duties imposed upon them by the laws of this territory.

“(c) An domestic insurance company or society which shall have become a member of a Federal Home Loan Bank shall be subject to such examinations, inspections and regulations as may be required under the terms of the Federal Home Loan Bank Act or may be required by the Federal Home Loan Bank Board or by the Federal Home Loan Bank of which said insurance company or society is a member, and the commissioner may furnish to the Federal Home Loan Bank Board, or to any Federal Home Loan Bank, or to examiners duly appointed by the Federal Home Loan Bank Board or any Federal Home Loan Bank, copies of any instruments concerning, and may disclose to such Federal Home Loan Bank Board, Federal Home Loan Bank, or examiners, any information with reference to, the condition or affairs of, any insurance company or society.”

SECTION 4. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



**ACT 159**

[H. B. No. 142]

AN ACT TO AMEND CHAPTER 140 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2328-A, RELATING TO COSTS IN SMALL CAUSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 140 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding a new section thereto to be numbered 2328-A to read as follows:

"Sec. 2328-A. Costs in small causes. No costs shall be taxed or charged against the defendant in any suit which may be brought for the recovery of a sum of less than twenty dollars (\$20.00) excluding interest and costs unless the cause of action at the time the same accrued was for a sum in excess of twenty dollars (\$20.00)."

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 160**

[H. B. No. 52]

AN ACT TO AMEND SECTION 648 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO THE FARM LOAN BOARD OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 648 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by (a) amending the third paragraph thereof to read as follows:

"The members of the board shall receive no compensation for their services as such members, but shall receive their necessary traveling expenses when engaged upon the work of the board. The attorney general, the commissioner of public lands and the treasurer of the Territory shall be eligible to membership on the board";

and (b) by deleting in the fifth paragraph thereof the words and figures "four hundred dollars (\$400.00)", and inserting in lieu thereof the words and figures "two hundred dollars (\$200.00)."

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 161

[H. B. No. 5]

AN ACT APPROPRIATING THE SUM OF NINE THOUSAND SIX HUNDRED NINE AND 45/100 DOLLARS (\$9,609.45), OR SO MUCH THEREOF AS MAY BE NECESSARY, FOR THE PAYMENT OF ENLISTED MEN OF THE HAWAII NATIONAL GUARD FOR PARTICIPATING IN ENCAMPMENTS DURING THE YEAR 1932.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of the general revenues of the territory the sum of nine thousand six hundred nine and 45/100 dollars (\$9,609.45), or so much thereof as may be necessary, for the payment of enlisted men of the Hawaii National Guard for attendance at encampments held during the year 1932 in accordance with the provisions of Section 244 of the Revised Laws of Hawaii 1925.

SECTION 2. The amount hereby appropriated shall be paid by the treasurer of the territory upon warrants based upon vouchers approved by the adjutant general of the territory.

SECTION 3. This Act shall take effect upon its approval.

Approved this 18th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 162**

[H. B. No. 324]

AN ACT TO AMEND SECTION 3494 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FOREIGN CORPORATIONS, BY ADDING A NEW PARAGRAPH THERETO TO BE KNOWN AS PARAGRAPH 7.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3494 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof a new paragraph to be known as paragraph 7, and to read as follows:

“(7). The surety or sureties on any such bond may withdraw from the same upon giving to the treasurer written notice not less than sixty (60) days prior to the date on which the then existing annual license of such foreign corporation is to expire, provided, however, that such surety or sureties shall remain liable on said bond for all judgments, decrees or orders given, made or rendered against the principal pursuant to the provisions of paragraphs 5 and 6 of this section, based upon any obligation or liability incurred prior to the date of expiration of such annual license.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 163**

[S. B. No. 253]

AN ACT TO REPEAL ACT 90 OF THE SESSION LAWS OF 1933, RELATING TO DAYLIGHT SAVING TIME.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 90 of the Session Laws of 1933 is hereby repealed.

SECTION 2. This Act shall take effect upon its approval, upon which date the standard time of this Territory shall be restored to that existing immediately prior to the taking effect of said Act 90.

Approved this 21st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 164**

[H. B. No. 377]

AN ACT TO AMEND ACT 216 OF THE SESSION LAWS OF HAWAII 1929, AS AMENDED BY ACT 9 OF THE SESSION LAWS OF HAWAII 1931, RELATING TO BOXING CONTESTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 216 of the Session Laws of Hawaii 1929, as amended, is hereby further amended by inserting after the item "professional boxer.....\$5.00" appearing in the schedule of fees in Section 14 thereof the following item:

"Novice boxer .....\$1.00".

SECTION 2. Said Act 216 is hereby further amended by amending Section 15 thereof to read as follows:

"Sec. 15. Professional and novice boxers defined. For the purpose of this Act a professional boxer is deemed to be one who competes for a money prize or purse or teaches or pursues or assists in the practicing of boxing as a means of obtaining his livelihood or for pecuniary gain. A novice boxer is deemed to be one who competes on a program strictly for novice boxers as may be sanctioned by the commission. Any novice who once appears on a professional program shall thereafter be known as professional boxer and shall be barred from any contests for novice boxers."

SECTION 3. Said Act 216 is hereby further amended by amending Section 31 thereof to read as follows:

"Sec. 31. Wages of contestant; prepayment prohibited. All moneys paid to a contestant for services, as money prize, reward, compensation or otherwise, shall be considered wages. No contestant shall be paid for services before a boxing contest or exhibition."

SECTION 4. This Act shall take effect upon its approval.

Approved this 22nd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 165**

[S. B. No. 247]

AN ACT RELATING TO THE JURISDICTION OF CERTAIN DISTRICT  
MAGISTRATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever a vacancy shall occur in the office of a district magistrate of any district in this Territory, all of the jurisdiction and powers, both civil and criminal, of a legally appointed, qualified and acting magistrate of that district shall, during the existence of such vacancy, be vested in and may be exercised by any district magistrate whose district adjoins the district in which the vacancy exists.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 166**

[H. B. No. 41]

AN ACT RELATING TO THE FINANCIAL RESPONSIBILITY OF OP-  
ERATORS AND OWNERS OF MOTOR VEHICLES AND TO MAKE  
UNIFORM THE LAW WITH REFERENCE THERETO.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. Throughout this Act, unless the context indicates a different intention, the singular includes the plural, and the masculine pronoun includes the feminine and the neuter.

As used in this Act:

(a) "Treasurer" means the treasurer of the Territory of Hawaii, unless otherwise designated herein.

(b) "Motor vehicle" means any vehicle for the operation of which upon the highways of this territory by a resident thereof registration certificates and plates are required by law.

(c) "Motor vehicle liability policy" means a policy of liability insurance designating by explicit description or appropriate refer-

ence all motor vehicles with respect to which coverage is intended to be granted by said policy and insuring to the amounts or limits hereinafter specified the person named therein and any other person using or responsible for the use of any such motor vehicle with the consent, expressed or implied, of such insured against loss from the liability imposed by law upon the insured or upon such other person for injury to or death of any person other than a person covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or his employees arising out of the maintenance or operation of any such vehicle in the Territory of Hawaii; or a binder pending the issuance of any such policy; or an endorsement to an existing policy as hereinafter provided.

(d) "Motor vehicle operators' policy" means a policy of liability insurance insuring the person named therein to the amounts or limits hereinafter specified against loss from the liability imposed by law upon the insured for injury to or death of any person other than a person covered as respects such injury or death by any workmen's compensation law and for damage to property other than property of others in charge of the insured or his employees, arising out of the operation by the insured of any motor vehicle in the Territory of Hawaii; or a binder pending the issuance of any such policy; or an endorsement to an existing policy as hereinafter provided.

(e) "Chauffeur" or "operator" means the person in actual physical control of a motor vehicle upon a highway.

(f) "Chauffeur's license" means the license issued to any person to operate a motor vehicle within this Territory.

(g) "Owner" has the same meaning as in the laws requiring the registration of motor vehicles within this territory.

(h) "Person" means a natural person, firm, copartnership, association or corporation.

(i) "Proof of financial responsibility" means proof in a form authorized by this Act of ability to respond in damages resulting from the operation or ownership of a motor vehicle and arising by reason of personal injury to, or death of, any one person, in the amount of at least five thousand dollars (\$5,000.00), and subject to such limit for each person injured or killed in an amount of at least ten thousand dollars (\$10,000.00) for such injury to, or the death of, two or more persons in any one accident, and for damage to property in the amount of at least one thousand dollars (\$1,000.00), resulting from any one accident.

SECTION 2. Proof of ability to respond in damages. For the purposes of this Act, the following will be deemed proof of ability to respond in damages:

(a) When proof of financial responsibility is required as a con-

dition precedent to the granting of a chauffeur's license or to the termination of the suspension thereof, the written certificate of an insurance carrier duly authorized to transact business within this territory that it has issued to or for the benefit of the person applying for such license or seeking to terminate the suspension thereof, a motor vehicle operator's policy which at the date of the certificate is in full force and effect, and will so continue until after ten days' notice of cancellation shall first have been given to the treasurer;

(b) When proof of financial responsibility is required of an owner of a motor vehicle as a condition precedent to the registration thereof or to the termination of the suspension of such registration, the written certificate of an insurance carrier duly authorized to transact business within this territory, that it has issued to or for the benefit of the person applying for such registration or for the termination of the suspension thereof, a motor vehicle liability policy which at the date of the certificate is in full force and effect and will so continue until at least ten days' notice of cancellation shall first have been given to the treasurer. The treasurer shall not accept any such certificate unless all motor vehicles registered in the name of the owner from whom proof is required are covered by the policies mentioned in such certificate or in it and other similar certificates furnished at the same time; and an additional certificate shall be required as a condition precedent to the registration in the name of such owner of any motor vehicle not covered by the certificate or certificates on file;

(c) In any case the deposit with the treasurer of a bond conditioned for the payment of the amount hereinbefore required for injury to or death of persons and damage to property arising out of the maintenance or operation by the principal of a motor vehicle within the Territory of Hawaii having for surety a corporation duly authorized to transact a surety business within this territory, or two or more individuals owning real estate within this territory; but any bond having individual sureties must be secured by real property, the present value of which after deducting the amount of existing encumbrances is at least two times the principal amount of the bond, must describe the real property and must be approved by the treasurer in all respects, and when so approved, a duplicate original or certified copy thereof shall be filed in the office of the registrar of conveyances when the real property to be affected is unregistered property, and, when registered property is to be affected, shall be filed in the office of the assistant registrar of the land court and be noted upon the certificate or certificates of title covering the property; descriptions of registered property shall contain a reference to the number or numbers of the certificate or certificates of title covering the property; when so filed by the principal such bond shall thereupon become effective and become a lien on the real property therein described; cancellations of said

bonds shall be filed in like manner in the office of the registrar of conveyances and assistant registrar of the land court. Any such bond shall expressly provide that it shall not be cancelled except after ten (10) days' written notice to the treasurer and shall designate the territory as obligee, but in no event shall any such bond be cancellable after any loss or damage covered by such bond occurs until such loss or damage is satisfied in the amounts herein provided, and it shall expressly provide that suit may be brought against the principal obligor and a surety and/or sureties thereon jointly by any person or persons who may have a cause of action against the principal obligor for damages resulting from a motor vehicle accident. The surety or sureties on the bond shall only be liable to pay any judgment within the limits hereinbefore specified which may be obtained in favor of the plaintiff if the principal obligor fails to pay the same within said limits, within fifteen (15) days.

(d) In any case, the deposit with the treasurer of the sum of eleven thousand dollars (\$11,000) in cash, which the treasurer shall employ in paying within the limits hereinbefore specified any final judgment or judgments which may be entered against the depositor, subsequent to the date of the deposit, of a motor vehicle within the Territory of Hawaii.

SECTION 3. Penalty for executing or presenting forged or unauthorized evidence of ability to respond in damages. Any person who shall forge or without authority sign any certificate or bond intending the same to be used as evidence of ability to respond in damages under this Act, or any person knowingly furnishing to the treasurer a forged or unauthorized certificate or bond as such evidence, shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for not more than thirty days or fined not less than one hundred dollars (\$100) or more than one thousand dollars (\$1000), or both, in the discretion of the court.

SECTION 4. Payment of claim when cash is deposited as evidence of ability to respond in damages. The treasurer shall pay final judgments within the limits hereinabove provided arising out of the maintenance or operation of a motor vehicle by a depositor of cash as proof of ability to respond in damages in the order in which claims are made upon him for payment, but claims shall not be made prior to the date when a judgment becomes final, and any claim made prior to such date shall be void and of no effect. Every claimant shall file with the treasurer a certified transcript of the judgment upon which his claim is based together with a certificate from a judge of the court in which the judgment was entered that the judgment has become final because an appeal was not taken within the time allowed by law or because the appellate court of last resort has affirmed the judgment.



SECTION 5. Cash deposited not subject to legal process. Money deposited with the treasurer as evidence of ability to respond in damages shall not be subject to attachment, garnishment or execution.

SECTION 6. Insurance policies must contain provisions to constitute proof of financial responsibility—binders—endorsements. Insurance policies in order to constitute proof of financial responsibility under this Act, shall be subject to the provisions hereinafter stated; and any insurance carrier which executes a certificate that it has issued a motor vehicle operator's policy or a motor vehicle liability policy for the purpose of enabling any person to furnish proof of financial responsibility hereunder shall be conclusively presumed to have issued the policy mentioned in such certificate subject to such provisions whether or not they are set forth therein.

(a) The liability of any insurer under a motor vehicle operator's policy or motor vehicle liability policy shall become absolute whenever loss or damage covered by such policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the insurer to make payment on account of such loss or damage. No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after any loss or damage covered by such policy occurs and any such cancellation or annulment shall be void. Upon the recovery of a final judgment against any person for any such loss or damage, if the judgment debtor was at the accrual of the cause of action insured against liability therefor under a motor vehicle operator's policy or a motor vehicle liability policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment. But the policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payments made on account of any accident, claim, or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits designated in this Act, the insurer may plead against such judgment creditor, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

(b) The policy, the written application therefor, if any, and any rider or endorsement which shall not conflict with the provisions of this Act, together with the provisions of this Act, shall constitute the entire contract between the parties.

(c) The insurer shall, upon the request of the insured, deliver

to the insured for filing, or at the request of the insured shall file direct, with the treasurer an appropriate certificate for the purpose of furnishing proof of the assured's financial responsibility, as provided by this Act.

(d) Any insurer authorized to issue motor vehicle operators' policies or motor vehicle liability policies as provided in this Act may, pending the issuance of such a policy, execute an agreement, to be known as a binder, or may, in lieu of such a policy, issue an endorsement to an existing policy, each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this section shall apply to such binders and endorsements.

This Act shall not be construed to prevent any insurance carrier from granting any lawful coverage in excess of or in addition to the coverage required by this Act as proof of financial responsibility, or from embodying in such policy any agreements, provisions or stipulations not contrary to the provisions of this Act and not otherwise unlawful.

SECTION 7. Proof of financial responsibility required when chauffeur's license becomes subject to suspension or revocation. Whenever a chauffeur's license shall be suspended or revoked for violation of the laws regulating the operation of motor vehicles on the highways, as may now or hereafter be provided by law, such license shall not again become effective nor shall a chauffeur's license at any time thereafter be issued to the person whose license was suspended or revoked unless and until such person has furnished proof of financial responsibility; and whenever the treasurer for any violation has the right in his discretion to suspend or revoke a chauffeur's license, but is disposed, in the exercise of his discretion, not to do so, he shall nevertheless suspend such license until the holder thereof has furnished proof of financial responsibility.

SECTION 8. Proof of financial responsibility required as condition precedent to issuance of chauffeur's licenses to persons having certain accident record. Until proof of financial responsibility has been furnished to the treasurer, a chauffeur's license shall not be issued to a person who, within the twelve months' period next preceding such person's application therefor, while operating a motor vehicle either within or outside of this territory, had more than two accidents, due to his own negligence, which caused injury to persons or damage to property, including motor vehicles operated by such person, amounting in the aggregate to more than two hundred dollars (\$200). The amount of damages caused by accidents in which the applicant was involved will be deemed to have been the amounts paid in settlement of claims of other persons and the

cost of repairing the motor vehicle driven by the applicant, if all such claims have been settled and such repairs made; and if such claims have not been paid or such repairs not made, then the amounts claimed by persons injured and by the persons entitled to recover for the death of persons killed and by the owners of property damaged and the cost of repairing the motor vehicle driven by the applicant at the time of the accident as estimated in good faith by the proprietor of a garage or automobile repair shop.

SECTION 9. Accident record required before issuing chauffeur's license. Before a chauffeur's license shall be issued to an applicant therefor, the examiner of chauffeurs shall cause him to state specifically the number of accidents causing injury to persons or damage to property, including motor vehicles operated by the applicant, in which the applicant was involved during the preceding twelve months while operating a motor vehicle, either within or outside of this territory, and the aggregate amount of damages caused by such accidents.

SECTION 10. Penalty for failure to furnish correct accident record. Any person who knowingly fails to correctly give the information required of him by the examiner of chauffeurs in connection with an application for the issuance of a chauffeur's license, shall be ineligible to operate a motor vehicle within this territory for a period of two years and when the treasurer ascertains that the information was not correctly given he shall revoke such license if one had been issued and no license shall, under any circumstances, be issued until the two year period has expired. If such person does not hold a chauffeur's license, such license shall not be issued to him until the expiration of the two year period. Upon the expiration of the two year period, such person shall not at any time receive a chauffeur's license until he has furnished proof of financial responsibility.

SECTION 11. Proof of financial responsibility required of persons who fail to satisfy judgments arising out of motor vehicle accidents. Chauffeur's license and registration certificates to be suspended until satisfaction of judgment. If within fifteen days after it becomes final, any person fails to satisfy any judgment in excess of one hundred dollars (\$100) rendered against him by a court of competent jurisdiction in this or any other territory, state or the District of Columbia for damages on account of personal injury or damage to property resulting from the operation by him, his agent or any other person with his expressed or implied consent of a motor vehicle owned by him, or the operation by him or his agent of a motor vehicle not owned by him, his chauffeur's license and all of his registration certificates shall be forthwith suspended by the treasurer upon receiving a certified copy of such final judg-

ment from the court in which the same was rendered and shall remain suspended and shall not have the suspension removed, nor shall any other motor vehicle be thereafter registered in his name, while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents.

If such person is not a resident of this territory, he shall not be permitted to operate any motor vehicle in this territory and it shall not be lawful for any other person to operate in this territory any motor vehicle owned by him while such judgment remains unsatisfied and subsisting and until he has furnished proof of financial responsibility for future accidents.

If after such person has furnished proof of financial responsibility any other such judgment shall be recovered against him for any accident occurring before such proof was furnished, his chauffeur's license and registration certificates shall again be and remain suspended while such other judgment remains unsatisfied and subsisting.

SECTION 12. What to be deemed satisfaction of judgment. For the purposes of this Act, but only for such purposes, the following will be deemed a satisfaction of judgments resulting from the ownership or operation of motor vehicles:

(a) When five thousand dollars (\$5000) has been credited upon any judgment or judgments rendered in excess of that amount for personal injury to or the death of one person as the result of any one accident, or

(b) When subject to the limit of five thousand dollars (\$5000) for each person the sum of ten thousand dollars (\$10,000) has been credited upon any judgment or judgments rendered in excess of that amount for personal injury to or death of more than one person as the result of any one accident, or

(c) When one thousand dollars (\$1000) has been credited upon any judgment or judgments rendered in excess of that amount for damage to property as the result of any one accident.

SECTION 13. Courts to certify judgments or sentences suspending or revoking chauffeur's license or motor vehicle accident judgments to treasurer; treasurer to forward certificates to proper officers of other jurisdictions if defendant is a non-resident. It shall be the duty of any court of this territory in which any judgment or sentence suspending or revoking a chauffeur's license shall be made or entered, or in which any judgment for damages resulting from the operation of a motor vehicle is rendered, to forward immediately to the treasurer a certified copy of such judgment or sentence or a transcript thereof. In the event the defendant is a

non-resident it shall be the duty of the treasurer to submit to the treasurer or other officer of the territory, state or District of Columbia of which the defendant is a resident a certified copy of such sentence or judgment.

SECTION 14. Proof of financial responsibility required of minors. No chauffeur's license shall be issued to any person who is less than fifteen years of age nor shall any motor vehicle owned by any such person be registered until such person has furnished proof of financial responsibility together with a certificate signed by either or both of the parents, as the treasurer may require, or the legal guardian of such person approving the issuance of a chauffeur's license or the registration of the motor vehicle, as the case may be.

SECTION 15. Disability of operator whose license is suspended under this Act to operate under foreign license. Any person whose chauffeur's license has been suspended or revoked, or to whom a chauffeur's license cannot be issued until he has furnished proof of financial responsibility, shall not have the privilege of operating a motor vehicle within this territory under any chauffeur's or operator's license issued by any other territory, state or District of Columbia until he has furnished to the treasurer proof of financial responsibility.

SECTION 16. Suspension of chauffeur's license or registration certificates upon cancellation of insurance or surety bond. Whenever the treasurer is notified of the cancellation of a policy of insurance mentioned in a certificate furnished as proof of ability to respond in damages or of a surety bond furnished as such evidence, he shall forthwith suspend the chauffeur's license and registration certificates, if any, in connection with the issuance of which such proof was furnished, and such cancellation shall remain effective until other proof of financial responsibility has been furnished to the treasurer.

SECTION 17. Proof of financial responsibility once required to be maintained. Whenever in accordance with the provisions of this Act a person has furnished proof of financial responsibility for the purpose of obtaining a chauffeur's license or the registration of a motor vehicle owned by him it shall be obligatory upon such person thereafter to maintain such proof at all times; and in the event that such proof lapses or becomes diminished in security or amount it shall be the duty of the treasurer to suspend the chauffeur's license and certificates, if any, in connection with which such proof was furnished, until proof sufficient in amount has again been furnished.

SECTION 18. Penalty for operating motor vehicle contrary to

provisions of this Act. Any person who operates a motor vehicle within this territory after his chauffeur's license has been suspended or revoked, and while such license remains suspended or revoked, and any person a non-resident of this territory who operates a motor vehicle within this territory contrary to the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year or by fine not exceeding one thousand dollars (\$1000) or by both such fine and imprisonment.

SECTION 19. Substitution of evidence of ability to respond in damages—cancellation of bond or refund of cash. Whenever proof of financial responsibility has been furnished to the treasurer he may upon request permit the substitution of proof of another kind for the particular evidence of ability to respond in damages which has been filed or deposited with him; and whenever a person has deposited with the treasurer as proof of his ability to respond in damages a bond or cash in the amount of eleven thousand dollars (\$11,000.00) as hereinbefore provided the treasurer may permit the bond to be cancelled or return or cause to be returned such cash or the balance thereof remaining in the hands of the territorial treasurer upon the surrender for cancellation of such person's chauffeur's license and his registration certificates and the filing with the treasurer of an affidavit that he has abandoned his residence in this territory or that he has made a bona fide sale of all motor vehicles owned by him and does not intend to own or operate any motor vehicle for a period of at least one year.

SECTION 20. Penalty for operating motor vehicle after cancellation of bond or refund of cash. Any person who has induced the treasurer to permit his bond to be cancelled or to return or cause to be returned cash or the balance thereof deposited as evidence of ability to respond in damages, as provided in the preceding section of this Act, and thereafter without having furnished to the treasurer proof of financial responsibility, operates a motor vehicle within this territory or permits any other person to operate within this territory a motor vehicle owned by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment for not more than one year, or a fine of not more than one thousand dollars (\$1,000.00), or both, in the discretion of the court.

SECTION 21. Treasurer to furnish information to insurers, sureties and others. The treasurer shall upon request furnish to any insurer, surety, or other person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person and if there be no record of any con-

viction of such person of a violation of any provision of the laws regulating the operation of motor vehicles on the highways or of any injury or damage caused by such person in operating motor vehicles the treasurer shall so certify. The treasurer shall require the payment of a fee of twenty-five cents (\$0.25) for each certificate furnished hereunder.

SECTION 22. Treasurer to furnish information to persons injured in motor accidents, etc. Upon written request the treasurer shall furnish to any person who has been injured or whose property has been damaged by any motor vehicle or to those entitled to recover for the death of a person injured by a motor vehicle all information of record in his office pertaining to the evidence of the financial responsibility of the operator or owner of the motor vehicle involved in such injury or damage.

SECTION 23. Treasurer of each county and of the city and county to furnish the treasurer with records. The treasurer of each county and of the city and county shall as soon as is reasonably practicable after the passage of this Act furnish the treasurer with a record of all motor vehicles registered with him and shall thereafter upon the registration of any motor vehicle furnish the treasurer with a full record of such registration.

SECTION 24. Examiners of chauffeurs to furnish treasurer with records. Upon the issuance of any chauffeur's license the examiner of chauffeurs, as provided for under the provisions of Chapter 125, Revised Laws of Hawaii 1925, as amended, shall furnish the treasurer with a record of such fact.

SECTION 25. Certificate to be furnished prior to issuance of chauffeur's license. No chauffeur's license shall be granted by any examiner of chauffeurs until the applicant therefor has presented to the examiner the certificate of the treasurer to the effect that the applicant has furnished proof of financial responsibility or is not required to furnish such proof within the meaning of this Act.

SECTION 26. Failure to furnish proof of financial responsibility when required under the provisions of this Act shall be cause for cancellation of the registration of any and all motor vehicles registered by the person so failing. Upon being advised by the treasurer of such delinquency, the treasurer of any county or the city and county shall cancel the registration of all motor vehicles registered in the name of the delinquent and shall refuse to register any vehicle belonging to or used by such delinquent until he has presented a certificate of the treasurer to the effect that he has furnished proof of financial responsibility or is not required to furnish such proof within the meaning of this Act.

SECTION 27. Administration—duties and powers of treasurer—rules and regulations. It shall be the duty of the treasurer of the territory to administer the provisions of this Act. The treasurer is hereby empowered to revoke, cancel and/or suspend operators' licenses within this territory to the extent necessary to fully effectuate the purposes of this Act. The treasurer shall have power to adopt and promulgate, amend and repeal reasonable and uniform rules and regulations to govern the administration of this Act. It shall be the duty of all sheriffs and treasurers of the various counties and of the city and county to comply with such rules and regulations and when so requested by the treasurer shall furnish him with all information and data pertaining to the proper administration of this Act.

SECTION 28. Uniformity of interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states and territories which enact it.

SECTION 29. Short title. This Act may be cited as the "Uniform Automobile Liability Security Act."

SECTION 30. Repeal. All Acts or ordinances or parts of Acts or ordinances which are inconsistent with the provisions of this Act are hereby repealed.

SECTION 31. Time of taking effect. This Act shall take effect December 31, 1933.

Approved this 23rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 167

[S. B. No. 236]

AN ACT TO AMEND ACT 208 OF THE SESSION LAWS OF HAWAII 1927, BY AMENDING THE LAST PARAGRAPH OF SECTION 15 AND THE FIRST PARAGRAPH OF SECTION 19 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 4A, RELATING TO BUILDING AND LOAN ASSOCIATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The last paragraph of Section 15 of Act 208 of the Session Laws of Hawaii 1927, is hereby amended to read as follows:



"Should there be any unusual demand for withdrawals from the funds of the association, or for real estate loans, the board of directors may borrow money for a period of not more than one year, and as security for such loans may pledge all or any of the securities or resources of the association; provided that said board of directors may borrow money from a federal home loan bank, and none of the limitations or restrictions provided in the laws of this Territory shall apply to borrowings from such bank."

SECTION 2. The first paragraph of Section 19 of Act 208 of the Session Laws of Hawaii 1927, is hereby amended to read as follows:

"Loans, surplus funds. When funds shall accumulate in excess of the demands from members for ordinary loans, such surplus funds may be loaned to either members or nonmembers irrespective of the purpose for which the loan is desired, secured by mortgage on real estate in the Territory of Hawaii, or by bonds, debentures and notes issued by any federal home loan bank; or such surplus funds may be invested in stock issued by any federal home loan bank of which such association may be eligible to be a member and in bonds, debentures and notes issued by any federal home loan bank and in securities satisfactory to the board of directors and of a character suitable for trust investments."

SECTION 3. Act 208 of the Session Laws of Hawaii 1927, is hereby amended by adding thereto a new section to be known as Section 4A and reading as follows:

"Section 4A. Federal home loan bank; membership in. Any association is hereby authorized and empowered to become a member of a federal home loan bank.

"Nothing in the laws of this Territory shall prohibit any association from becoming a member of a federal home loan bank, in the manner provided in the federal home loan bank Act, nor from investing any part of its capital or surplus or funds in the capital stock of such federal home loan bank, in accordance with the terms and provisions of such federal home loan bank Act.

"Any association joining or associating itself with such federal home loan bank shall have and exercise all powers, not in conflict with the laws of this Territory, which are conferred upon any member association in any such federal home loan bank by the provisions of the federal home loan bank Act and the regulations of the federal home loan bank board. Such member association and its directors, officers, stockholders, shareholders and members shall continue to be subject, however, to all liabilities and duties imposed upon them by the laws of this Territory.

"Any association which shall have become a member of a federal home loan bank shall be subject to such examination, inspections

and regulations as may be required under the terms of the federal home loan bank Act or may be required by the federal home loan bank board or by the federal home loan bank of which said association is a member, and the treasurer, his agents and employees, may furnish to the federal home loan bank board, or to any federal home loan bank, or to examiners duly appointed by the federal home loan bank board or any federal home loan bank, copies of any instruments concerning, and may disclose to such federal home loan bank board, federal home loan bank, or examiner, any information with reference to the condition or affairs of any association."

SECTION 4. This Act shall take effect upon its approval.

Approved this 24th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 168**

[H. B. No. 406]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES AND EXPENSES OF CIRCUIT COURTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending certain items in those paragraphs entitled: "THIRD CIRCUIT COURT" and "FOURTH CIRCUIT COURT" respectively, to read as follows:

**"THIRD CIRCUIT COURT"**

Court expenses .....	5,000.00
Support Juvenile Court dependents.....	300.00
Law Books .....	600.00."

**"FOURTH CIRCUIT COURT"**

Court expenses .....	7,500.00
Support Juvenile Court dependents.....	750.00
Law Books .....	700.00."

SECTION 2. This Act shall take effect on July 1, 1933.

Approved this 24th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 169**

[S. B. No. 172]

AN ACT TO AMEND CHAPTER 132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 173 OF THE SESSION LAWS OF 1925, AND BY ACT 100 OF THE SESSION LAWS OF 1927, BY AMENDING SECTIONS 2196, 2202, 2205, 2207 AND 2208 AND BY ADDING SIX NEW SECTIONS TO BE NUMBERED 2202-A TO 2202-F, INCLUSIVE, RELATING TO THE PUBLIC UTILITIES COMMISSION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2196 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof the following sentence: "All meetings and hearings of the commission shall be public."

SECTION 2. Section 2202 of the Revised Laws of Hawaii 1925, as amended by Act 173 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2202. Regulate rates, etc., appeals. All rates, fares, charges, classifications, rules and practices made, charged or observed by any public utility, or by two or more public utilities jointly, shall be just and reasonable and shall be fixed by order of the commission, and no such rate, fare, charge, classification, rule or practice shall be abandoned, changed, modified or departed from without the prior approval of the commission. The commission shall have power, after a hearing upon its own motion, or upon complaint, by order to regulate, fix and change all such rates, fares, charges, classifications, rules and practices, so that the same shall be just and reasonable, and to prohibit rebates and unreasonable discrimination between localities, or between users or consumers, under substantially similar conditions, to regulate the manner in which the property of every public utility is operated with reference to the safety and accommodation of the public, to prescribe its form and method of keeping accounts, books and records, and its accounting system, to regulate the return upon its public utility property, the incurring of indebtedness relating to its public utility business, and its financial transactions, and to do all things in addition which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable, and such as shall provide a fair return on the property of the utility actually used or useful for public utility purposes. From every order made by the commission under the provisions of this chapter an appeal shall lie to the supreme court of Hawaii in like manner as an appeal lies from an

order or decision of a circuit judge at chambers. Such appeal shall not of itself stay the operation of the order appealed from, but the supreme court may stay the same after a hearing upon a motion therefor, upon such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained in whole or in part."

SECTION 3. Section 2205 of said Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2205. Penalty; injunction. Any public utility violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this chapter or any lawful order of the commission shall forfeit to the Territory not more than one thousand dollars for every such violation, neglect or failure, to be recovered by action brought in the name of the Territory by the commission, and may be enjoined by the circuit court from carrying on its business while such violation, neglect or failure continues."

SECTION 4. Chapter 132 of the Revised Laws of Hawaii 1925, as amended, is further amended by adding six new sections thereto, to be numbered, respectively, Sections 2202-A, 2202-B, 2202-C, 2202-D, 2202-E and 2202-F, to read, respectively, as follows:

"Sec. 2202-A. Issuance of securities. A public utility corporation may, on securing the prior approval of the commission, and not otherwise, issue stocks and stock certificates, bonds, notes and other evidences of indebtedness, payable at periods of more than twelve (12) months after the date thereof, for the following purposes and no other, namely: For the acquisition of property or for the construction, completion, extension or improvement of or addition to its facilities or service, or for the discharge or lawful refunding of its obligations or for the reimbursement of moneys actually expended from income or from any other moneys in its treasury not secured by or obtained from the issue of its stocks or stock certificates, or bonds, notes, or other evidences of indebtedness, for any of the aforesaid purposes except maintenance of service, replacements and substitutions not constituting capital expenditure in cases where the corporation shall have kept its accounts for such expenditures in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made, and the sources of the funds in its treasury applied to such expenditures.

"All stock and every stock certificate, and every bond, note or other evidence of indebtedness of a public utility corporation not

payable within twelve (12) months, issued without an order of the commission authorizing the same, then in effect, shall be void."

"Sec. 2202-B. Acquirement of stock of another public utility. No public utility corporation shall hereafter purchase or acquire, take or hold, any part of the capital stock of any other public utility corporation, organized or existing under or by virtue of the laws of this Territory, without having been first authorized to do so by the order of the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of this section shall be void and of no effect; and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to make illegal the holding of stock heretofore lawfully acquired."

"Sec. 2202-C. Merger and consolidation of public utility corporations. No public utility corporation shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its road, line, plant, system, or other property necessary or useful in the performance of its duties to the public, or any franchise or permit, or any right thereunder, nor by any means whatsoever, directly or indirectly, merge or consolidate with any other public utility corporation without first having secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation, made other than in accordance with the order of the commission shall be void."

"Sec. 2202-D. Certificates of public convenience and necessity. It is hereby declared unlawful for any common carrier operating upon and using the public highways to furnish such service from and after July 1, 1933, without first obtaining from the commission a certificate declaring that public convenience and necessity require such operation and service. The commission shall have power and it shall be its duty after public hearing to issue said certificate as prayed for or to refuse to issue the same, or to issue it for the partial exercise only of the privilege sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require, provided, however, that the business of any public utility which presents evidence of bona fide operation on the first calendar day of the legislative session at which this law is passed, shall be presumed to be necessary to public convenience and necessity. No such certificate shall be issued for a term longer than four years. The commission may at any time suspend, alter or amend any certificate issued, and after hearing for cause may revoke any such certificate. Said common carriers shall operate and

furnish service in strict conformity with the current existing terms and provisions of their respective certificates of convenience and necessity, except in cases of emergency to be defined by rules laid down by the commission."

"Sec. 2202-E. Surety bonds and liability insurance. No certificate of convenience and necessity shall be issued by the commission to any such common carrier until such common carrier shall have filed with it a good and sufficient bond with adequate security to be approved by the commission payable to the Territory which shall bind the obligors therein to pay any final judgment against any such common carrier arising out of the death or injury to any passenger or passengers or loss or damage to property while in transit or injury to other persons or property, or any act or omission connected with the operation of such common carrier, which bond shall be in such penal sum as the commission may deem necessary to protect the interests of the public. In lieu of such bond, the commission may accept a policy of insurance or other contract in writing deemed by it adequate, by which any authorized insurance company shall assume the responsibility prescribed for said bond. The commission in determining the penal amount of any such bond, policy or other contract, shall take into consideration the number of persons and amount of property involved and the financial responsibility of the common carrier."

"Sec. 2202-F. Valuations. The commission shall have power either upon its own motion or upon application by any utility for any order where the commission deems it advisable and to the best interest of the public and the utility to cause a valuation to be made to ascertain for any purpose specified in this chapter the value of the property of any public utility and every fact and element of value which in its judgment may or does have any bearing on such value. The commission shall have power to make revaluations and to ascertain the value of all additions, betterments, extensions and acquisitions of property of any public utility."

SECTION 5. Section 2207 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2207. Finances. All salaries, wages, and expenses, including traveling expenses, of the commission, each commissioner and its officers, assistants and employees, incurred in the performance or exercise of the powers or duties conferred or required by this chapter, may be paid out of any appropriation available for the purpose. Section 2542 shall apply to the commission and each commissioner, as well as to the supreme and circuit courts and the justices and judges thereof, and all costs and fees paid or collected hereunder shall be deposited in the treasury of the Territory to the

credit of a special fund to be called the 'public utilities commission fund' which is created for the purpose. There shall also be paid to the commission in each of the months of March and September in each year by each public utility which is subject to investigation by the commission a fee which shall be equal to one-twentieth of one per cent. of the gross income from the public utility business carried on by such public utility in the Territory during the preceding year, plus one-fiftieth of one per cent. of the par value of the stock issued by such public utility and outstanding on December 31 of the preceding year, if its principal business is that of performing public utility services in the Territory, or, if such business is conducted by any person or organization not a corporation or a lessee, trustee, receiver or otherwise of a corporation, in lieu of such fee determined as aforesaid, an annual fee of ten dollars, payable one-half semi-annually as aforesaid, unless one-tenth of one per cent. of such gross income shall exceed ten dollars, in which event the annual fee shall be equal to one-tenth of one per cent. of such gross income. Such fee shall likewise be deposited in the treasury to the credit of the fund. The moneys in the fund are appropriated for the payment of all salaries, wages and expenses authorized or prescribed by this chapter."

SECTION 6. Section 2208 of the Revised Laws of Hawaii 1925, as amended by Act 100 of the Session Laws of 1927, is hereby further amended to read as follows:

"Sec. 2208. Definitions. (a) The term 'public utility' as used in this chapter shall mean and include every person, company or corporation, who or which may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, whether under a franchise, charter, license, articles of association, or otherwise, any plant or equipment, or any part thereof, directly or indirectly for public use, for the transportation of passengers or freight, or the conveyance or transmission of telephone or telegraph messages, or the furnishing of facilities for the transmission of intelligence by electricity by land or water or air within the Territory, or between points within the Territory, or for the production, conveyance, transmission, delivery or furnishing of light, power, heat, cold, water, gas or oil, or for the storage or warehousing of goods; provided, however, that for the purposes of this Act carriers operating under permits from the United States Army and/or Navy, and vehicles in rent service operating solely on call from fixed stands, shall not be regarded as public utilities or motor vehicle common carriers as defined herein."

"(b) The term 'motor vehicle common carrier', as used herein, means and includes every corporation, joint stock association, person, individual, firm, association of persons, lessee, trustee, receiver or trustee appointed by any court, owning, controlling, operating

or managing any motor vehicle directly or indirectly for public use in the transportation of passengers or freight for compensation over any public street or highway between points or over established general routes, within the Territory of Hawaii."

"(c) The term 'common carrier motor vehicle', as used herein, means any automobile, truck, motor bus or any other self-propelled vehicle or any trailer drawn thereby, (excluding vehicles operating upon fixed rails), used directly or indirectly for public use in the transportation of passengers or freight for compensation over any public street or highway between points or over established general routes, within the Territory of Hawaii."

"(d) The words 'points' and 'established routes', as used herein, mean points or routes between or over which any motor vehicle carrier usually or ordinarily operates or holds out to operate any motor vehicle, even though there may be departures from such points or routes, whether such departure be periodic or irregular."

"(e) The term 'commission' as used herein, means the public utilities commission of the Territory of Hawaii."

SECTION 7. This Act shall take effect on July 1, 1933.

Approved this 25th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 170

[S. B. No. 257]

AN ACT TO AMEND SECTION 1539 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO THE IDENTIFICATION OF PRISONERS AND PERSONS SUSPECTED OF CRIME OR OF CRIMINAL INTENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1539 of the Revised Laws of Hawaii 1925, as amended by Act 129 of the Session Laws of 1931 and Act 17 of the First Special Session Laws of 1932, is hereby further amended by adding at the end thereof the following paragraphs:

"All fingerprints and photographs of persons against whom no charges of crime are preferred or against whom charges of crime are preferred and no convictions secured shall, when so requested in writing by such persons and within sixty days after such written request, be delivered to such persons or destroyed, unless it



shall have been ascertained, from federal records or otherwise, that the person concerned has a record of prior conviction or is a fugitive from justice.

"Any person having the custody and control of such fingerprints and photographs who knowingly violates the provisions of the preceding paragraph shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than one year, or by both such fine and imprisonment."

SECTION 2. All fingerprints and photographs of persons against whom no charges of crime have been preferred or against whom charges of crime have been preferred and no convictions secured shall, when so requested in writing by such persons and within sixty days after such written request, be delivered to such persons or destroyed by the public officers having the custody and control of the same, unless it shall have been ascertained, from federal records or otherwise, that the person concerned has a record of prior conviction or is a fugitive from justice.

Any such public officer who knowingly violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 171

[H. B. No. 306]

AN ACT TO AMEND SECTION 2855, SECTION 2830, AS AMENDED, SECTION 2831, AS AMENDED, AND TO REPEAL SECTION 2853 OF THE REVISED LAWS OF HAWAII 1925, AND TO ADD A NEW SECTION TO SAID REVISED LAWS TO BE KNOWN AS SECTION 2846-A, RELATING TO GARNISHMENT OF GOVERNMENT BENEFICIARIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2855 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2855. Answer; amount sequestered. It shall not be incumbent upon the garnishee to appear in any court or file any answer to such process, but the trial of the action may proceed, in all respects, as though the garnishee had not been included in the action. But from the time of the service of such copy on the garnishee, he shall withhold from the salary, stipend or wages, which shall then be or shall thereafter become due, owing or payable to the beneficiary named in such copy, as follows:

"(a) Where the amount of such salary, stipend or wages is not in excess of one hundred dollars per month, fifteen per cent. thereof; and

"(b) Where the amount of such salary, stipend or wages is in excess of one hundred dollars per month, fifteen per cent. of the first hundred dollars thereof and twenty-five per cent. of the amount thereof in excess of one hundred dollars.

"The garnishee shall continue to withhold such amount or amounts as aforesaid until the action against such beneficiary shall have been withdrawn or dismissed, or the judgment against him therein, if any, shall have been fully paid, with legal interest thereon; either of which events, as the case may be, shall be certified by the court in or before which the action has been pending. The amount or amounts so withheld shall be deemed sequestered in the treasury of the territory or the political or municipal subdivisions thereof, as the case may be, from the time of the service of such copy on the garnishee; provided, that no more shall be thus sequestered in advance of final judgment than shall be sufficient to meet the demand of the plaintiff in the action. It shall be unlawful for the garnishee to draw, sign or issue or permit or cause to be drawn, signed or issued any warrant payable to the order of such beneficiary or to any other person designated by such beneficiary for the amount or amounts so sequestered."

SECTION 2. Section 2853 of said Revised Laws is hereby repealed.

SECTION 3. The applicable provisions of Sections 2830 and 2831 of said Revised Laws, as amended by Act 96 of the Session Laws of 1927, are hereby amended to conform to the provisions of this Act.

SECTION 4. A new section is hereby added to said Revised Laws to be known as Section 2846-A and to read as follows:

"Sec. 2846-A. Further exemption. All wages paid from any unemployment work relief fund, the expenditure of which is under the control of any territorial commission, board or other agency, shall be exempt from garnishment, attachment or any other judicial or statutory proceedings for the taking, sequestration or withhold-



not the same has been reduced to judgment as well as to every future garnishment proceeding.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 173**

[S. B. No. 225]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES AND EXPENSES OF CIRCUIT COURTS AND COURT OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, Act 200 of the Session Laws of 1927, Act 239 of the Session Laws of 1929, and Act 99 of the Session Laws of 1931, is hereby amended by amending that certain paragraph thereof entitled "FIFTH CIRCUIT COURT", to read as follows:

**"FIFTH CIRCUIT COURT**

	Per Month	Per Annum
Clerk .....	\$202.50	\$2,430.00
Court Reporter, Librarian and Assistant Clerk .....	202.50	2,430.00
Court Expenses .....		5,000.00
Support Juvenile Court Dependents.....		1,200.00
Probation Officer .....	157.50	1,890.00
Expenses Probation Officer.....		480.00
Law Books .....		400.00

The board of supervisors of the county of Kauai is hereby authorized to provide for such additional clerks or other help and to set the salaries of such additional clerks or help, and to provide other expenses that may be required by the Court."

SECTION 2. This Act shall take effect and be in force from and after July 1, 1933.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

ACT 174

[S. B. No. 234]

AN ACT RELATING TO THE DISPOSITION OF CERTAIN FEES COLLECTED FOR HUNTING, FISHING AND FISHING BOAT PERMITS AND LICENSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All moneys in the treasury of each county or city and county on the first day of July, 1933, held in the game fund under the provisions of Section 2031 of the Revised Laws of Hawaii 1925, as amended by Act 75 of the Session Laws of 1925, shall be deposited into the general fund of each county or city and county, and all moneys collected in each month from and after July 1, 1933, as fees for hunting or fishing permits or licenses, in each county or city and county shall be paid into the treasury of the Territory of Hawaii, and shall be deposited in a special fund to the credit of the board of commissioners of agriculture and forestry, and shall be expended by said board only for the importation, preservation, propagation and protection of game fish, game birds and/or other game animals into or in the county or city and county in which said moneys were collected in accordance with the request of the sportsmen's organizations of said counties or city and county upon warrants drawn by the auditor of the Territory, based upon vouchers approved by the president of said board.

The board, at the end of each fiscal year, shall submit a report to the board of supervisors of each county or city and county showing the number and kinds of game fish, game birds and/or other game animals, introduced into such county or city and county, and all expenditures made under this Act, and showing the balance of moneys remaining unexpended in said fund to the credit of such county or city and county.

SECTION 2. All fees for commercial fishing, including commercial fishermen's licenses, permits for sampans and row-boats, night angling, throw-net and mullet licenses, which are now, or hereafter may be, collected by the board of commissioners of agriculture and forestry, shall be paid to the treasurer of the Territory of Hawaii and deposited in a special fund to the credit of the board of commissioners of agriculture and forestry and shall be expended by said board for the conservation of the commercial fisheries of the Territory and all phases of work pertaining thereto, which the said board in its discretion deems expedient on warrants drawn by the auditor of the Territory based upon vouchers approved by the president of said board.

SECTION 3. Any and all laws or parts of laws inconsistent with the provisions hereof are hereby amended so as to make the same comply with the intent and purpose hereof.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
 Governor of the Territory of Hawaii.

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**ACT 175**

[S. B. No. 264]

AN ACT APPROPRIATING THE UNEXPENDED AND UNREQUIRED BALANCES OF CERTAIN ITEMS OF ACT 266 OF THE SESSION LAWS OF HAWAII 1925, AS AMENDED, AND ACT 271 OF THE SESSION LAWS OF HAWAII 1927, AS AMENDED, FOR THE REMOVAL OF THE KEANAE PRISON CAMP, COUNTY OF MAUI, TO WEST MAUI FOR REFORESTATION AND OTHER PURPOSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following items having been fully completed, the unexpended and unrequired balances thereof listed opposite thereto are hereby appropriated to the use of the board of supervisors of the county of Maui for the removal of the Keanae prison camp, county of Maui, to West Maui for reforestation and other purposes:

From the following items of Act 266 of the Session Laws of Hawaii 1925, as amended by Act 146 of the Session Laws of Hawaii 1927:

Belt Road Kailua towards Kopiliula.....	\$ 54.34
Sewer System, Wailuku, Kahului.....	2,417.73
Kaupo Water Works.....	176.18
Kaunakakai Road towards Hoolehua.....	34.15

From the following items of Act 271 of the Session Laws of Hawaii 1927, as amended by Act 254 of the Session Laws of Hawaii 1929:

Kula Pipe Line and Water Storage.....	11.84
Road, Lanai .....	30.20

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
 Governor of the Territory of Hawaii.

**ACT 176**

[S. B. No. 265]

AN ACT AMENDING ACT 266 OF THE SESSION LAWS OF HAWAII 1925, AS AMENDED, PROVIDING FOR PUBLIC IMPROVEMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 266 of the Session Laws of Hawaii 1925, as amended by Act 146 of the Session Laws of Hawaii 1927, is hereby amended by amending Item 39 thereof to read as follows:

“39. Survey and construction Kipahulu-Kaupo Trail....5,000.00”

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 177**

[S. B. No. 192]

AN ACT TO PROVIDE FOR THE ADJUSTMENT OF CERTAIN DELINQUENT TAXES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. Wherever used in this Act, unless the context clearly indicates otherwise:

“Committee” means the delinquent tax adjustment committee created by this Act.

“Delinquent taxes” means delinquent territorial taxes assessed against real or personal property or incomes prior to January 1, 1933.

“Treasurer”, “attorney general” and “auditor” mean, respectively, the treasurer, attorney general and auditor of the Territory.

“Collector” means any collector appointed pursuant to Act 40, Second Special Session Laws 1932.

SECTION 2. Delinquent tax adjustment committee. There is hereby created for the period ending June 30, 1935, a committee to be composed of the treasurer, as chairman, the attorney general and the auditor, and to be known as the “delinquent tax adjustment committee”.

SECTION 3. Delinquent lists; submission to treasurer and publication. The tax commissioner shall from time to time submit to the treasurer lists of delinquent taxpayers whose accounts in his judgment shall be reviewed by the committee. On receipt of any such list or lists, the treasurer shall: (a) forthwith call a meeting of the committee at an appropriate time and place to consider the same, and (b) publish such list in a newspaper of general circulation, published in the English language, at least three days prior to the date set for such hearing.

SECTION 4. Hearings; notice. The tax commissioner or his duly authorized representative shall appear at all hearings of the committee and shall present full and complete information concerning each of the accounts before the committee. Any person whose name appears on such list or his legal representative, agent or fiduciary may appear before the committee and present information concerning his account. Any such person shall be entitled to receive reasonable notice of the time and place of the meeting at which his account is to be reviewed. The manner in which such notice is to be given shall be prescribed by the committee. All hearings of the committee shall be open to the public.

SECTION 5. Procedure. The committee shall be authorized and empowered to make its own rules and regulations relating to all matters of procedure. But all decisions of the committee whereby adjustments are made in the amount of any delinquent tax penalty or interest charge shall be by the unanimous consent of its members. The committee and each member thereof, in respect to the summoning and examination of witnesses and the production of papers and documents and punishment for contempt and otherwise, in carrying out its duties and functions under this Act, shall have all the powers and authority of a circuit judge at chambers.

SECTION 6. Powers of committee. The committee shall be authorized and empowered in the manner hereinafter provided to adjust, reduce, or set aside any tax, penalty or interest charge, or any portion thereof, whenever such action shall in the judgment of the committee appear to be for the best interests of the Territory. The committee shall also be authorized and empowered to inspect and examine any and all delinquent tax accounts, both "collectible" and "uncollectible", appearing upon the records of the department of the tax commissioner and may require the tax commissioner to submit any account for its consideration together with all available data relative to the same.

The action of the committee shall be subject to review without jury trial by the circuit court of the circuit in which the tax is assessed under such rules of procedure as the supreme court may promulgate, as nearly as may be similar to the present practice in



appeals from the several industrial accident boards. Such appeal shall be taken in the same manner, as nearly as may be, and within the same time, as in cases of appeals from awards of industrial accident boards under the provisions of Chapter 209 of the Revised Laws of Hawaii 1925. It is provided, however, that any citizen may procure a review of the action of the committee irrespective of whether such action relates to taxes due from such citizen or not.

SECTION 7. Factors to be considered by committee. The committee shall fully consider the history of each account, including:

(a) the nature of the charge (i.e. the kind of tax and the circumstances under which the assessment was made; whether the balance remaining unpaid is simply a penalty and/or interest charge, the tax having been satisfied; whether the assessment was due to forfeiture of rights by failure to file a return or claim an exemption); (b) the equity of the charge, irrespective of its statutory legality; (c) the nature and degree of success of previous efforts toward collection; (d) the attitude of the taxpayer in response to such efforts toward collection; (e) the recommendation of the tax commissioner.

Before rendering its decision in respect to a particular account, the committee shall consider the advisability of a further attempt to collect the same in view of (a) the facts disclosed by the history of the account; (b) the probable result of any such further attempt to collect the same in respect to the account in question and in respect to other similar delinquent accounts.

In deciding whether or not to adjust, reduce or set aside any tax, penalty or interest charge, or any portion thereof, the committee shall consider (a) the facts disclosed by the history of the account; (b) the possible effect upon other delinquent taxpayers; (c) the possible effect upon other taxpayers who have paid similar charges; (d) the possible effect upon the community and/or the Territory, if similar action is, or is not, taken as to all delinquent accounts in a similar category.

SECTION 8. Action by committee. If, in any case considered by it, the committee finds (1) that the circumstances are such that any attempt to collect the tax, penalty and/or interest charge, or any particular portion thereof, would be inequitable, unconscionable and unjust, or (2) that the possibility of collection is so remote as not to justify, in the committee's opinion, the retention of such item or items on the books of the Territory as accounts receivable, the committee shall designate the same as "permanently removable items".

If, however, the committee finds that any such item or items either cannot, or should not, under the circumstances, be collected

forthwith but should be deferred as hereinafter provided, the committee shall designate the same as "deferrable items", and in the case of property taxes may extend the period of the lien for such taxes for any term beyond six but not exceeding ten years from the date of its inception. The only effect of such designation, other than as provided in Section 9, shall be to exonerate the tax commissioner and his subordinates from accountability for failing to enforce collection of such taxes in the absence of any substantial change of circumstances affecting the taxpayer's ability to pay.

SECTION 9. Report by committee; action by commissioner. The committee shall report its action on each account to the tax commissioner. Upon receipt of any such report the tax commissioner shall cause to be removed from the accounts receivable records of the several divisions concerned all items designated as "permanently removable items", and all those designated as "deferrable items" and shall cause the same to be placed in an alphabetical memorandum file, keeping separate however the two classes of items above referred to.

SECTION 10. Report to auditor; removal of items from "taxes receivable" account. At the end of each month the collector of each division shall report to the territorial auditor all permanently removable and deferrable items which have been deleted from the accounts receivable records of his division, and shall thereby be relieved of further accountability as to the money value thereof, except as provided in Section 8. All items so reported shall be removed from the "taxes receivable" account on the books of the auditor and such items shall not be listed as assets of the Territory in any reports concerning the fiscal affairs of the Territory.

SECTION 11. This Act shall take effect upon its approval.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 178

[S. B. No. 181]

AN ACT TO AUTHORIZE THE APPOINTMENT OF A COMMISSION  
TO COMPILE THE STATUTE LAWS OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A commission of three persons, to be designated as the compilation commission, is hereby constituted and authorized

to compile all the statute laws of the Territory of Hawaii as they shall exist after the adjournment of this session of the legislature.

SECTION 2. In making such compilation, statutes obviously inconsistent with the Constitution of the United States or the Act to provide a government for the Territory of Hawaii shall not be included, and of two or more statutes which are obviously repugnant to each other, the statute last enacted alone shall be included.

SECTION 3. Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, the latter only shall be included.

SECTION 4. Where a statute is repugnant to the Constitution of the United States or the Act to provide a government for the Territory of Hawaii in part only, it may be modified so as to conform thereto.

SECTION 5. Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject-matter, the first named statute may be modified so as to refer to such new statute in place of such repealed statute.

SECTION 6. Mistakes of omission or erroneous reference to other statutes or other mistakes, obviously made through oversight or accident in the original statutes, may be corrected.

SECTION 7. Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and, where any statute or part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 8. The compilation shall include a complete index, and, as a prefix, the Constitution of the United States and the Act to provide a government for the Territory of Hawaii; notes expressing the substance of each section of said compilation; notes stating briefly the date of the original enactment of each section and of the last amendment thereof, if any, and where, if at all, the same is found in last compilation; also citations of decisions, if any, published in the United States supreme court reports, the federal reporter, the United States district court for the Territory of Hawaii reports, the Hawaiian supreme court reports and the opinions of the United States attorney general construing or relating to the subject-matter of each section of the Organic Act and of the said compiled laws.

SECTION 9. Any departure or change in the letter of existing statutes made under the provisions of this Act, either by way of alteration or omission, shall be noted as near as may be to the statutes affected thereby.

SECTION 10. The said compilation shall be printed and bound in one or two volumes and shall be presented by the commission to the legislature at its next regular session; provided, however, that when said compilation is completed the secretary of the Territory shall cause such a number of copies thereof as to him may seem necessary to be printed and bound, which, when so printed and bound, may be furnished by him free of charge to government officials for official use, and may be sold by him at twenty-five dollars (\$25.00) a volume or set, as the case may be, for the benefit of the Territory. Provided, further, that in the event that it be found that the appropriation hereby made for such printing and binding shall be insufficient for such purpose, based upon such bids or estimates as the commission and/or secretary of the Territory shall be able to obtain, the said compilation shall be presented by the commission to the legislature at its next regular session, together with the estimates of printers, located within and without the Territory, as to the cost of printing the said compilation.

SECTION 11. The said commission may recommend, in a separate report, such changes, repeals or modifications of said laws, not herein authorized to be made in the said compilation, as it may deem advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 12. All the members of the said commission shall be attorneys admitted to practice in the supreme court of the Territory, and one of them may be a judge of the supreme court or circuit court. They shall be appointed and commissioned by the governor by and with the advice and consent of the Senate.

SECTION 13. There is hereby appropriated for the purposes of this Act, the following sums for the following specific purposes:

Compensation to members of said commission..\$	7,200.00
Clerical assistants .....	1,500.00
Proof reading .....	500.00
Indexing .....	1,000.00
Printing .....	14,500.00
Miscellaneous .....	300.00
Total.....	\$25,000.00

SECTION 14. This Act shall take effect from the date of its approval.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 179**

[S. B. No. 255]

AN ACT TO AMEND SECTION 3380 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INCORPORATED COOPERATIVE ASSOCIATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3380 in Chapter 190 of the Revised Laws of Hawaii 1925, as amended by Act 73 of the Second Special Session of 1932, is hereby further amended to read as follows:

"Sec. 3380. No limitation of holdings or indebtedness. Any corporation organized under this chapter may own and hold property without limitation as to amount and borrow money without limitation as to the amount of its corporate indebtedness or liability; and may make advances or loans to its members or stockholders."

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 180**

[H. B. No. 79]

AN ACT TO AMEND CHAPTER 209 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 3624 AS AMENDED, RELATING TO WORKMEN'S COMPENSATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3624 of the Revised Laws of Hawaii 1925, as amended by Act 93 of the Session Laws of 1931, is hereby further amended to read as follows:

"Sec. 3624. Notice of injury and claim for compensation. No proceedings under this chapter for compensation for an injury shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to the injury shall have been made within three months after the date of the injury,

or, in case of death, within three months after the death, whether or not a claim had been made by the employee himself for compensation. The notice and claim may be given or made by any person claiming to be entitled to compensation or by some one on his behalf. If medical, surgical or hospital services and supplies have been provided voluntarily by the employer or his insurance carrier, or if an employer makes a report to the board or his insurance carrier of any injury received by any employee of such employer, the giving of a notice of the injury shall not be required, and, if payments of compensation shall have been made voluntarily by the employer or his insurance carrier, the making of a claim within the aforesaid periods shall not be required. The term 'payments of compensation', as used in this section, shall not be construed to include voluntary payments in the nature of a gift and not intended as compensation, payments by welfare or benefit organizations operating under direction or control of the employer, or payments of wages during periods of partial or total disability for work, provided, that in the case of such payments of wages the employer notifies the employee and the industrial accident board at the time in writing that such payments of wages are not in lieu of and shall not be considered payments of compensation."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 181

[H. B. No. 300]

AN ACT TO AMEND PARAGRAPH (a) OF SUBSECTION (3) OF SECTION 8, AND SECTION 11, AND TO REPEAL PARAGRAPHS (b), (c), (d) AND (e) OF SUBSECTION (3) OF SAID SECTION 8, OF ACT 55 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM AND CONTRIBUTIONS THERETO AND GUARANTY OF BENEFITS THEREUNDER BY THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Paragraph (a) of subsection (3) of Section 8 of Act 55 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

"(a) Contributions by the Territory of Hawaii shall be computed upon the actual amount necessary to pay pensions and other benefits during each biennium on account of which the territory is required under the provisions of this Act to contribute. On the effective date of this Act and on the first day of October in each even numbered year thereafter, the board of trustees shall certify to the governor of the Territory of Hawaii the amount of the appropriation necessary to pay said pensions and other benefits during the ensuing biennium, and items of appropriation providing such amount shall be included in the general appropriation bill of the territory for the ensuing biennium."

SECTION 2. Section 11 of said Act 55 is hereby amended by adding at the end thereof a new sentence reading as follows:

"The obligations here guaranteed shall be given preference over all other obligations of the Territory of Hawaii excepting bonds issued for territorial purposes, and shall be a charge upon the consolidated revenue of the territory payable after the principal and interest requirements of said territorial bonds have been satisfied."

SECTION 3. Paragraphs (b), (c), (d) and (e) of subsection (3) of Section 8 of said Act 55 are hereby repealed.

SECTION 4. This Act shall be construed to effectuate a discontinuance of the method hitherto followed by the territory in making contributions to the pension accumulation fund of the employees' retirement system of the Territory of Hawaii and to establish in lieu thereof a new method requiring contributions by the territory in such amount and to such an extent as maturing pensions and other benefits accrue and are payable.

SECTION 5. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

ACT 182

[H. B. No. 323]

AN ACT TO AMEND SECTION 3423 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INSURANCE COMPANIES, BY AMENDING PARAGRAPH 7 THEREOF AND BY ADDING A NEW PARAGRAPH THERETO TO BE KNOWN AS PARAGRAPH 8.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3423 of the Revised Laws of Hawaii 1925, is hereby amended by amending paragraph (7) thereof to read as follows:

“(7) In addition, all foreign insurance companies and societies shall file with the commissioner a good and sufficient bond signed by the company or society as principal, with one or more sureties to be approved by the commissioner and running to the commissioner and his successors in office, in the sum of twenty thousand dollars with condition that the surety or sureties on the bond shall be answerable in the amount of the bond for all judgments, decrees or orders given, made or rendered against the principal on the bond by any court of the Territory for the payment of money.

“In case of any breach of the condition of any bond, the commissioner may, and upon demand and receipt of satisfactory assurance for the payment of costs, shall enforce the bond either in his own name or in the name of any person as obligee therein by appropriate proceedings in any court of competent jurisdiction for the use and benefit of any person injured by the breach.”

SECTION 2. Said Section 3423 is hereby further amended by adding at the end thereof a new paragraph to be known as paragraph (8) and to read as follows:

“(8) The surety or sureties on any bond required by paragraph (7) hereof may withdraw from the same upon giving to the commissioner written notice not less than sixty days prior to the date on which the then existing certificate of authority of such foreign corporation or society is to expire, provided, however, that such surety or sureties shall remain liable on said bond for all judgments, decrees or orders given, made or rendered against the principal pursuant to the provisions of paragraph (7) of this section, based upon any obligation or liability incurred thereunder prior to the date of expiration of the annual certificate of authority required by Section 3426.”



SECTION 3. This Act shall take effect upon its approval, provided, however, that the filing of a bond in the sum of twenty thousand dollars as required by paragraph (7) of said Section 3423 as amended by this Act need not be made by any foreign insurance company or society until July 1, 1933.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 183**

[H. B. No. 427]

AN ACT DECLARATORY OF THE LEGISLATIVE INTENT IN THE ENACTMENT OF ACT 43, SECOND SPECIAL SESSION LAWS 1932, RATIFYING AND CONFIRMING ALL ACTS OF PUBLIC OFFICERS IN CONFORMITY WITH SAID INTENT, AND AMENDING SAID ACT 43 FOR THE PURPOSE OF CLARIFYING THE SAME.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It is hereby declared that the intent of the Legislature in enacting Act 43, Second Special Session Laws 1932, was not to exempt public utilities from any specific taxes imposed by Chapter 102 of the Revised Laws of Hawaii 1925. The construction heretofore placed upon said Act 43 by the attorney general and the tax commissioner of this Territory and by the treasurers of the various counties and city and county of said Territory in conformity with said legislative intent herein declared, and the action of said county and city and county treasurers in collecting such specific taxes for the year 1933 from public utilities is hereby approved, ratified and confirmed.

SECTION 2. For the purpose of clarifying said Act 43 and rendering more apparent said legislative intent, Section 1 of said Act 43 is hereby amended to read as follows:

"Sec. 1. Public utility tax. In lieu of all taxes other than income taxes, the specific taxes imposed by Chapter 102 of the Revised Laws of Hawaii 1925, as amended, and the fees prescribed

by Chapter 132 of said Revised Laws, as amended, and any tax specifically imposed by the terms of its franchise, there shall be levied and assessed upon each public utility within the Territory a tax of such rate per cent of its gross income each year from its public utility business as shall be determined in the manner hereinafter provided."

SECTION 3. This Act shall take effect upon its approval, and shall be retroactive as to all specific taxes heretofore collected for the year 1933.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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#### ACT 184

[H. B. No. 268]

AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC INSTRUCTION FROM ENGAGING IN THE SALE OF GOODS, WARES AND MERCHANDISE IN CERTAIN CASES IN THE CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be unlawful for any school in the City and County of Honolulu, without the written permission of the department of public instruction, to operate stores and/or to sell merchandise, with the following exceptions: school lunches, milk, ice cream, candy, things made or grown at the school as part of the educational program and in cases where classroom efficiency, uniformity and/or standardization of particular supplies is essential, text books, equipment and necessary school supplies and equipment, may be sold by any school.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

	REIMBURSE HENRY HOLMES FOR TAXES ADVANCED BY HIM.	[Act 185]
212	COPIES OF BIRTHS, DEATHS AND MARRIAGE RECORDS.	[Act 186]

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### ACT 185

[S. B. No. 213]

AN ACT PROVIDING FOR THE DISPOSITION OF THE NET PROCEEDS OF THE SALE UNDER ESCHEAT PROCEEDINGS OF LOT 23 OF BLOCK 6 OF THE KEWALO TRACT, CITY AND COUNTY OF HONOLULU.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The treasurer of the Territory is hereby authorized and directed, in the event that Lot 23 of Block 6 of the Kewalo Tract, Queen Street, Honolulu, is declared an escheat to the Territory and sold as such, to pay from the net proceeds of such sale to Henry Holmes of Honolulu the sum of seven hundred five and 35/100 dollars (\$705.35), for taxes advanced by him on said property prior to the year 1933.

The net proceeds of such sale over and above the aforesaid amount shall be held by said treasurer subject to the provisions of Sections 2916 and 2917 of the Revised Laws of Hawaii 1925.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

### ACT 186

[H. B. No. 315]

AN ACT TO AMEND CHAPTER 95 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, BY ADDING THERETO THREE NEW SECTIONS TO BE KNOWN AS SECTIONS 1220-A, 1222-A AND 1222-B, RELATING TO BIRTHS, DEATHS AND MARRIAGES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Chapter 95 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding thereto three new sections, to be known, respectively, as Sections 1220-A, 1222-A and 1222-B, reading as follows:

"Sec. 1220-A. Photostatic or typewritten copies of records. The registrar general is hereby authorized and directed to prepare typewritten and/or photostatic copies of such records, record books,

certificates and other documents on file in his office, which by reason of age, usage or otherwise are in such condition that they can no longer be conveniently consulted or used without danger of serious injury or destruction thereof, and to certify to the correctness of such copies. Such typewritten or photostatic copies shall be competent evidence in all courts of the Territory of Hawaii with like force and effect as the original.

“Sec. 1222-A. Fee for amending certified copies. The registrar general shall charge a fee of twenty-five cents for amending any certified copy of births, deaths or marriages, which fees shall be deposited monthly with the territorial treasurer as government realizations.

“Sec. 1222-B. Fee for inspecting records. The registrar general shall charge a fee of fifty cents per hour or fractional part of an hour of time of search of records made at the request of any person desiring information contained in the office of the registrar general, which fees shall be deposited monthly with the territorial treasurer as government realizations; provided, however, that no charge shall be made for searching such records for any municipal, state, territorial or federal office, representative of any consular corps, or any social or welfare society.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 187

[H. B. No. 415]

AN ACT TO AMEND SECTION 2328-A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 159 OF THE SESSION LAWS OF 1933, RELATING TO COSTS IN SMALL CAUSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2328-A of the Revised Laws of Hawaii 1925, as enacted by Act 159 of the Session Laws of Hawaii 1933, is hereby amended by deleting the following: “unless the cause of action at the time the same accrued was for a sum in excess of

twenty dollars (\$20.00)", and by inserting in lieu thereof, the following: "provided, however, that if in any such suit, it shall appear that the defendant wilfully neglected to pay the claim upon which said suit was founded, there shall be taxed against the defendant costs in accord with Section 2541 of the Revised Laws of Hawaii 1925, as amended by Act 47 of the Session Laws of Hawaii 1933."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

### ACT 188

[H. B. No. 13]

AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1935.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the following sums, or so much thereof as may be necessary, respectively, are hereby appropriated for the objects and purposes hereinafter specified for the biennial period ending June 30, 1935, out of moneys in the treasury received from general revenues:

#### GENERAL GOVERNMENT

Publication Session Laws of Hawaii .....		\$ 6,500.00
B. Other Current Ex- penses .....	\$ 6,500.00	
Governor's Office and Washington Place .....		25,000.00
B. Other Current Ex- penses .....	25,000.00	
To be expended at the discretion of the Governor.		
Auditor's Office .....		\$ 97,448.00
A. Personal Services ..	\$ 87,048.00	
B. Other Current Ex- penses .....	10,400.00	

Treasurer's Office .....		50,900.00
A. Personal Services ..	45,900.00	
B. Other Current Ex-		
penses .....	<u>5,000.00</u>	
Taxation Maps Bureau..		24,324.00
A. Personal Services ..	21,924.00	
B. Other Current Ex-		
penses .....	<u>2,400.00</u>	
Tax Commissioner .....		514,564.00
A. Personal Services ..	413,164.00	
B. Other Current Ex-		
penses .....	70,000.00	
C. Equipment .....	6,400.00	
Litigation		
Expenses .....	<u>25,000.00</u>	
B. Other Cur-		
rent Expenses	<u>25,000.00</u>	
Boards of Review.....		20,000.00
B. Other Current Ex-		
penses .....	<u>20,000.00</u>	
Bureau of the Budget....		37,440.00
A. Personal Services ..	29,340.00	
B. Other Current Ex-		
penses .....	5,600.00	
Revolving Fund		
for Division		
of Supplies ....	<u>2,500.00</u>	
Public Debt Service.....		6,700.00
B. Other Current Ex-		
penses .....	<u>6,700.00</u>	
Attorney General's Office		67,000.40
A. Personal Services ..	59,886.40	
B. Other Current Ex-		
penses .....	5,614.00	
C. Equipment .....	<u>1,500.00</u>	
Secretary of Hawaii.....		19,960.00
A. Personal Services ..	18,360.00	
B. Other Current Ex-		
penses .....	<u>1,600.00</u>	

Public Archives .....		19,200.00
A. Personal Services ..	17,280.00	
B. Other Current Ex-		
penses .....	1,720.00	
C. Equipment .....	200.00	
	<hr/>	
Expenses, Hawaiian		
Birth Registration .....		1,500.00
B. Other Current Ex-		
penses .....	1,500.00	
	<hr/>	
Supreme Court .....		30,466.00
A. Personal Services ..	21,816.00	
B. Other Current Ex-		
penses .....	8,250.00	
C. Equipment .....	400.00	
	<hr/>	
District Court of		
Kalawao .....		1,446.00
A. Personal Services ..	1,296.00	
B. Other Current Ex-		
penses .....	150.00	
	<hr/>	
Land Court .....		30,760.00
A. Personal Services ..	28,260.00	
B. Other Current Ex-		
penses .....	2,500.00	
	<hr/>	
Expenses of Elections....		21,000.00
A. Personal Services ..	16,000.00	
B. Other Current Ex-		
penses .....	5,000.00	
	<hr/>	
Superintendent of Public		
Works .....		28,948.00
A. Personal Services ..	24,948.00	
B. Other Current Ex-		
penses .....	4,000.00	
	<hr/>	
Public Buildings and		
Grounds Service .....		93,364.00
A. Personal Services ..	81,864.00	
B. Other Current Ex-		
penses .....	10,000.00	
C. Equipment .....	1,500.00	
	<hr/>	

Structures, Additions, Maintenance, Re- pairs to and Tearing down or Removal of Gov- ernment Property (including Ar- mories and War Memorials) and Improvements to Grounds .....		45,428.00
A. Personal Services ..	4,428.00	
B. Other Current Ex- penses .....	38,500.00	
(Provided that the sum of \$3,500.00 of this item be expended for re- pairs to pontoons and other equip- ment at the War Memorial Nata- torium)		
E. Structures and Per- manent Improve- ments to Land....	2,500.00	
Buildings .....\$	2,500.00	
Total: General Government ..		\$1,141,948.40

PROTECTION TO PERSONS AND PROPERTY

National Guard .....		\$ 32,530.00
A. Personal Services ..	\$ 21,780.00	
B. Other Current Ex- penses .....	10,000.00	
C. Equipment .....	500.00	
G. Capital Outlays for Rights and Obli- gations .....	250.00	
Deputy Bank Examiner..		42,180.00
A. Personal Services ..	36,180.00	
B. Other Current Ex- penses .....	6,000.00	



Industrial Accident		
Board, Honolulu .....		20,118.00
A. Personal Services ..	14,580.00	
B. Other Current Ex-		
penses .....	5,538.00	
	<u>          </u>	
Industrial Accident		
Board, Maui .....		4,682.50
A. Personal Services ..	3,440.00	
B. Other Current Ex-		
penses .....	1,242.50	
	<u>          </u>	
Industrial Accident		
Board, Hawaii .....		3,518.00
A. Personal Services ..	2,908.00	
B. Other Current Ex-		
penses .....	610.00	
	<u>          </u>	
Industrial Accident		
Board, Kauai .....		1,240.00
A. Personal Services..	1,080.00	
B. Other Current Ex-		
penses .....	160.00	
	<u>          </u>	
Bureau of Conveyances..		102,078.00
A. Personal Services ..	91,692.00	
B. Other Current Ex-		
penses .....	7,500.00	
C. Equipment .....	2,886.00	
	<u>          </u>	
Survey Department and		
Commissioner of		
Public Lands ....		130,000.00
(Provided the same		
person shall be		
appointed to both		
positions)		
A. Personal Services ..	110,000.00	
B. Other Current Ex-		
penses .....	20,000.00	
	<u>          </u>	
Total: Protection to Persons and Property.....		<u>\$ 336,346.50</u>

CONSERVATION OF HEALTH AND SANITATION

General Administration—		
Board of Health.....		\$ 51,000.00
A. Personal Services ..	\$ 44,000.00	
B. Other Current Ex-		
penses .....	7,000.00	
Bureau of Vital Statistics		22,000.00
A. Personal Services ..	20,000.00	
B. Other Current Ex-		
penses .....	2,000.00	
Puumaille Home .....		105,498.60
A. Personal Services ..	47,017.50	
B. Other Current Ex-		
penses .....	58,000.00	
C. Equipment .....	481.10	
Bureau of Public Health		
Nursing .....		145,108.00
A. Personal Services ..	135,108.00	
B. Other Current Ex-		
penses .....	10,000.00	
Tuberculosis: Private		
Hospitals .....		276,300.00
F. Grants, Subsidies		
and Contribu-		
tions .....	276,300.00	
Leahi Home.....	144,000.00	
Kula Sanitarium	76,800.00	
Samuel M a h e -		
lona Memorial		
Hospital .....	55,500.00	
Tuberculosis Bureau.....		24,000.00
A. Personal Services ..	14,040.00	
B. Other Current Ex-		
penses .....	9,060.00	
C. Equipment .....	900.00	
Plague Campaign .....		46,000.00
From which expendi-		
tures shall be		
made for plague		
control.		

Bureau of Communicable Diseases .....		40,000.00
A. Personal Services ..	20,000.00	
B. Other Current Expenses .....	20,000.00	
	<u>          </u>	
Board of Leper Hospitals and Settlement:		
General Administration ..		37,480.00
A. Personal Services ..	33,480.00	
B. Other Current Expenses .....	4,000.00	
	<u>          </u>	
Kalaupapa Settlement ....		435,740.00
A. Personal Services ..	100,000.00	
B. Other Current Expenses .....	300,000.00	
C. Equipment .....	4,400.00	
E. Structures and Permanent Improvements to Land....	2,500.00	
Highways and Trails .....	2,500.00	
	<u>          </u>	
Repairs to Buildings .....	10,000.00	
Repairs to Kala-wa o Catholic Chapel, including upkeep .....	5,000.00	
F. Fixed Charges .....	13,840.00	
Contributions to Inmates .....	13,840.00	
	<u>          </u>	
Kalihi Hospital .....		159,050.00
A. Personal Services ..	55,000.00	
B. Other Current Expenses .....	100,000.00	
C. Equipment .....	850.00	
F. Fixed Charges .....	3,200.00	
	<u>          </u>	
Contributions to Inmates .....	3,200.00	
	<u>          </u>	

Parole and Suspect Expense .....		13,560.00
A. Personal Services ..	7,560.00	
B. Other Current Expenses .....	6,000.00	
Vineyard Street Office....		6,820.00
A. Personal Services ..	4,320.00	
B. Other Current Expenses .....	2,500.00	
Welfare Expense .....		6,264.80
A. Personal Services ..	5,064.80	
B. Other Current Expenses .....	1,200.00	
Kalaupapa Store .....		5,600.00
B. Other Current Expenses .....	5,600.00	
Bureau of Maternal and Infant Hygiene..		8,200.00
A. Personal Services ..	6,400.00	
B. Other Current Expenses .....	1,800.00	
Boards of Examiners.....		621.00
A. Personal Services ..	216.00	
B. Other Current Expenses .....	405.00	
Sanitation and Pure Food		102,128.00
A. Personal Services ..	91,898.00	
B. Other Current Expenses .....	10,000.00	
C. Equipment .....	230.00	
Government Physicians ..		76,180.00
A. Personal Services ..	76,180.00	
Total: Conservation of Health and Sanitation.....		<u>\$1,561,550.40</u>

## DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES

Board of Administration		
—Board of Agriculture and Forestry .....		\$ 23,230.00
A. Personal Services ..	\$ 19,230.00	
B. Other Current Expenses .....	4,000.00	

Division of Animal Industry .....		39,120.00
A. Personal Services..	30,120.00	
B. Other Current Expenses .....	4,000.00	
F. Refunds, Awards and Indemnities..	5,000.00	
	<u>          </u>	
Division of Entomology..		34,000.00
A. Personal Services ..	30,000.00	
B. Other Current Expenses .....	4,000.00	
	<u>          </u>	
Division of Forestry.....		65,800.00
A. Personal Services ..	54,800.00	
B. Other Current Expenses .....	8,000.00	
E. Structures and Permanent Improvements to Land....	3,000.00	
	<u>          </u>	
Buildings .....	500.00	
Fences .....	2,500.00	
	<u>          </u>	
Division of Fish and Game .....		55,416.00
A. Personal Services ..	43,416.00	
B. Other Current Expenses .....	12,000.00	
	<u>          </u>	
Division of Hydrography		43,450.00
A. Personal Services ..	18,360.00	
B. Other Current Expenses .....	3,200.00	
For investigation of surface and ground water resources under Cooperative Agreement with the U. S. Geological Survey ....	21,890.00	
	<u>          </u>	
Total: Development and Conservation of Natural Resources .....		<u>\$ 261,016.00</u>

## CHARITIES, HOSPITALS AND CORRECTIONS

Lunalilo Home .....		\$ 24,000.00
F. Fixed Charges .....	\$ 24,000.00	
Contribution for support of .....	\$ 24,000.00	
Kalihi Boys' and Kapiolani Girls' Home.....		72,540.00
A. Personal Services ..	36,540.00	
B. Other Current Expenses .....	36,000.00	
Territorial Hospital .....		463,580.00
A. Personal Services ..	320,784.00	
B. Other Current Expenses .....	140,296.00	
C. Equipment .....	500.00	
E. Structures and Permanent Improvements to Land....	2,000.00	
Highways and Trails .....	2,000.00	
Waimano Home .....		151,300.00
A. Personal Services ..	73,224.00	
B. Other Current Expenses .....	78,076.00	
General Office—Board of Prison Directors .....		34,300.00
A. Personal Services ..	30,300.00	
B. Other Current Expenses .....	4,000.00	
Oahu Prison .....		346,376.00
A. Personal Services ..	173,376.00	
B. Other Current Expenses .....	170,000.00	
C. Equipment .....	3,000.00	
Equipment other than Motor Vehicles .....	3,000.00	
Prisoner's Compensation		8,500.00
A. Personal Services ..	8,500.00	

General Office—Board of		
Industrial Schools .....		6,948.00
A. Personal Services ..	5,940.00	
B. Other Current Ex-		
penses .....	<u>1,008.00</u>	
Kawailoa Training		
School for Girls.....		85,972.00
A. Personal Services ..	51,972.00	
Provided, that the		
dentist appointed		
under this item		
on a part time		
basis shall receive		
a salary of \$50.00		
per month, and		
provided, further,		
that the person		
appointed as such		
dentist shall be		
the same person		
serving as dentist		
at the territorial		
hospital.		
Provided, also, that		
the physician ap-		
pointed under		
this item on a		
part time basis		
shall receive a sal-		
ary of \$50.00 per		
month, and pro-		
vided, further,		
that the person		
appointed as such		
physician shall be		
the same person		
serving as terri-		
torial physician at		
Heeia - Waima-		
nalo and/or city		
and county physi-		
cian in the same		
general localities.		
B. Other Current Ex-		
penses .....	32,000.00	
C. Equipment .....	<u>2,000.00</u>	

Waialeale Training School for Boys .....		137,036.00
A. Personal Services ..	70,536.00	
Provided, that the dentist appointed under this item on a part time basis shall receive a salary of \$50.00 per month, and provided, f u r - ther, that the per- son appointed as such dentist shall be the same per- son s e r v i n g as dentist at the ter- ritorial hospital.		
B. Other Current Ex- penses .....	64,000.00	
C. Equipment .....	2,500.00	
Total: Charities, Hospitals and Corrections.....		<u>\$1,330,552.00</u>

EDUCATION

University of Hawaii— All functions expend- able at the direction and under the super- vision of the Board of Regents of the Univer- sity of Hawaii.....		\$ 400,000.00
Shop for Definitely Adult Blind .....		7,500.00
A. Personal Services ..	\$ 6,500.00	
B. Other Current Ex- penses .....	<u>1,000.00</u>	
Conservation of Sight.....		4,200.00
A. Personal Services ..	3,600.00	
B. Other Current Ex- penses .....	<u>600.00</u>	
Library of Hawaii.....		71,500.00
A. Personal Services ..	60,000.00	
B. Other Current Ex- penses .....	9,000.00	
C. Equipment .....	<u>2,500.00</u>	



Maui County Free Library .....		15,300.00
A. Personal Services ..	11,000.00	
B. Other Current Expenses .....	3,300.00	
C. Equipment .....	1,000.00	
Hilo Library .....		20,000.00
A. Personal Services ..	16,000.00	
B. Other Current Expenses .....	3,000.00	
C. Equipment .....	1,000.00	
Kauai Public Library Association, Ltd. ....		13,000.00
A. Personal Services ..	10,000.00	
B. Other Current Expenses .....	2,000.00	
C. Equipment .....	1,000.00	
Total: Education .....		<u>\$ 531,500.00</u>

## MISCELLANEOUS

Veterans Hawaii Guard 1893-1898 .....		\$ 3,000.00
F. Fixed Charges.....	<u>\$ 3,000.00</u>	
Grants, Subsidies and Contributions .....	<u>\$ 3,000.00</u>	
Aiding Indigent Persons released from Kalihi Hospital and the Leper Settlement, Kalaupapa .....		2,000.00
F. Fixed Charges.....	<u>2,000.00</u>	
Grants, Subsidies and Contributions .....	<u>2,000.00</u>	
Relief of Persons Released from Kalihi Hospital and Kalaupapa .....		3,000.00
F. Fixed Charges.....	<u>3,000.00</u>	

Grants, Subsidies and Contributions .....	3,000.00	
Expenses Official Bonds..		10,000.00
B. Other Current Ex- penses .....	10,000.00	
Governor's Contingent Fund .....		45,000.00
B. Other Current Ex- penses .....	45,000.00	
<p>From which expend- itures may be made only with the approval of the Governor and only for urgent needs for which no specific appro- priation or an in- sufficient appro- priation is made herein or other- wise, a detailed account of all of which expendi- tures shall be sub- mitted to the next legislature, pro- vided, however, that no expendi- ture shall be made out of this fund to increase any salary.</p>		
Governor's Contingent Fund for Temporary Assistants .....		10,000.00
A. Personal Services ..	10,000.00	
Public Utilities Commis- sion .....		10,000.00
B. Other Current Ex- penses .....	10,000.00	
Total: Miscellaneous .....		\$ 83,000.00

## PUBLIC SERVICE ENTERPRISES

General Office—Board of Harbor Commissioners		\$ 16,744.00
A. Personal Services ..	\$ 12,744.00	
B. Other Current Expenses .....	<u>4,000.00</u>	
Maintenance and additions, landings, wharves and pipe - lines, and other property under the control of the Board of Harbor Commissioners .....		182,212.00
A. Personal Services ..	134,712.00	
B. Other Current Expenses .....	<u>45,000.00</u>	
Provided that the sum of \$2,500.00 under this item be expended for paving and macadamizing the approach to the Kaunakakai, Molokai, Wharf.		
C. Equipment .....	<u>2,500.00</u>	
Motor Vehicles .....	\$ 2,500.00	
Harbor Masters and Pilots .....		90,892.00
A. Personal Services ..	70,092.00	
B. Other Current Expenses .....	<u>20,000.00</u>	
C. Equipment .....	<u>800.00</u>	
Motor Vehicles .....	<u>800.00</u>	
Harbor Dredging .....		25,000.00
B. Other Current Expenses .....	<u>20,000.00</u>	
F. Fixed Charges .....	<u>5,000.00</u>	
Dredging entrance to Wailoa River and approaches at Waiakea, Hilo, Hawaii .....	<u>5,000.00</u>	
Total: Public Service Enterprises .....		<u>\$ 314,848.00</u>

## INTEREST

Interest on Funded Debt	\$2,804,142.50
Total: Interest .....	<u>\$2,804,142.50</u>

## GENERAL TRANSFERS

General Administration—		
Employees' Retirement		
System .....		\$ 38,688.00
A. Personal Services ..	\$ 36,288.00	
B. Other Current Ex-		
penses .....	<u>2,400.00</u>	
Pension Accumulation		
Fund .....		2,000.00
F. Fixed Charges.....	<u>2,000.00</u>	
Territorial Contri-		
bution .....	<u>2,000.00</u>	
Total: General Transfers		\$ 40,688.00
Grand Total of Totals....		<u>\$8,405,591.80</u>

SECTION 2. Changes and transfers may be made by the head of a department or establishment with the approval of the Governor, within the foregoing schedule of appropriations, for any organization unit of such department or establishment, as to "Personal Services", "Other Current Expenses" or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit of a department or establishment, the head of such department or establishment may, with the approval of the Governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses" or both.

SECTION 3. No officer or employee in the territorial service or in the service of any county or city and county in receipt of a salary, wage or other compensation or remuneration of \$100.00 or more per month shall receive any additional salary, wage or other compensation or remuneration out of any moneys herein appropriated unless otherwise specifically provided for herein.

SECTION 4. The Governor shall, on or before December 31, 1934, classify all offices and positions in the territorial service along such recognized and established principles as he may adopt, so as to effect equalization of salaries, wages or other compensation or remuneration for relatively similar services rendered under com-

parable working conditions, and shall prescribe rates of salaries, wages or other compensation or remuneration for each class of offices and positions; provided, however, that the total payroll for personal services in any board, commission, department, bureau or other agency of the Territory, payable from the General Fund of the Territory, shall not exceed the amount appropriated for such purpose. Any increase of salary, wage or other compensation or remuneration which may be rendered necessary by such classification, shall be deemed effective, any law to the contrary notwithstanding.

SECTION 5. This Act shall take effect from and after July 1, 1933.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 189

[S. B. No. 35]

AN ACT TO FIX THE SCHOOL BUDGETS FOR THE PERIOD BEGINNING JULY 1, 1933, AND ENDING JUNE 30, 1935.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The school budgets shall be as follows for the period beginning July 1, 1933, and ending June 30, 1935, and the sums hereinafter set forth are hereby appropriated out of the general revenues of the Territory for the following purposes, to-wit:

I. General School Fund for the Period

Beginning January 1, 1934, and

Ending June 30, 1935:

General Administration .....		\$ 72,000.00
A. Personal Services .....	\$49,875.00	
Superintendent .....	\$ 8,910.00	
Other Personal Services .....	40,965.00	
B. Other Current Expenses .....	20,625.00	
C. Equipment .....	1,500.00	

Board of Examiners.....		600.00
A. Personal Services .....	37.50	
B. Other Current		
Expenses .....	525.00	
C. Equipment .....	37.50	
	<hr/>	
Insurance .....		1,500.00
B. Fixed Charges .....	1,500.00	
	<hr/>	
Insurance and Bonds	1,500.00	
	<hr/>	
Field Expenses, General		
Items .....		11,250.00
B. Other Current		
Expenses .....	10,875.00	
C. Equipment .....	375.00	
	<hr/>	
Field Expenses, Elementary		
Schools .....		62,500.00
B. Other Current		
Expenses .....	37,500.00	
C. Equipment .....	25,000.00	
	<hr/>	
Field Expenses, Intermediate		
and High Schools.....		37,500.00
B. Other Current		
Expenses .....	17,250.00	
C. Equipment .....	20,250.00	
	<hr/>	
Territorial School for Deaf		
and Blind .....		53,925.00
A. Personal Services .....	37,950.00	
B. Other Current		
Expenses .....	15,600.00	
C. Equipment .....	375.00	
	<hr/>	
Dental Hygienists .....		72,000.00
A. Personal Services .....	62,250.00	
B. Other Current		
Expenses .....	9,187.50	
C. Equipment .....	562.50	
	<hr/>	
Vocational Division .....		10,500.00
B. Other Current		
Expenses .....	5,700.00	
C. Equipment .....	300.00	
F. Fixed Charges .....	4,500.00	
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Honolulu Vocational School..		2,250.00
A. Personal Services .....	1,620.00	
B. Other Current Expenses .....	630.00	
Future Farmers of America..		1,500.00
B. Other Current Expenses .....	1,500.00	
Books for Indigent Children (For the purchase by the Department of Public Instruction of necessary books or the payment of authorized book rentals, and for the payment of authorized school fees, for needy pupils registered in Grades 1 to 9 inclusive, in the public schools, under such rules as may be prescribed by the department, and in accordance with the provisions of Act 112 of the Session Laws of 1929.)		5,000.00
Total .....		\$330,525.00

II. Teachers' Salaries Fund for the Period Beginning July 1, 1933 and Ending June 30, 1935:

A. Elementary teachers .....	\$ 5,837,826.00
B. High school teachers.....	939,405.50
C. Vocational teachers .....	630,822.00
D. Principals (16 assistants).....	375,084.00
E. Supervisors .....	79,562.00
F. Secretaries .....	95,256.00
G. Substitutes and leaves of absence.....	65,296.80
Total .....	\$ 8,023,252.30

The salary schedule fixing the pay of supervisors, principals, teachers, etc., adopted by the department of public instruction on January 26, 1925, and approved by the governor, and in effect with reductions on July 1, 1932, excepting the provisions therein con-

tained providing for increases of salaries, is hereby adopted and approved as the salary schedule and the amounts for salaries authorized above shall be paid on the basis of the said salary schedule.

SECTION 2. In addition to regular teachers as prescribed by the department, there may be employed (exclusive of principals of schools with sixteen or more assistants) not more than three vocational supervisors, seven supervising principals (two each for the counties of Hawaii, Maui and the city and county of Honolulu and one for the county of Kauai), one hundred ninety vocational and pre-vocational teachers, of whom not more than one hundred twenty-five shall be employed as pre-vocational teachers and the remaining number employed as vocational teachers under the conditions laid down in the territorial plan for vocational education adopted by the territorial board for vocational education and approved by the federal board for vocational education, and not more than thirty-nine secretaries for supervising principals and schools which have twenty-five or more teachers who are continuously employed by the department.

SECTION 3. Changes and transfers may be made by the head of the department, with the approval of the governor, within the foregoing schedule of appropriations, for any organization unit of such department as to "Personal Services", "Other Current Expenses", or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit, the head of the department may, with the approval of the governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses", or both. And, provided, further, that no changes shall be made with respect to "Personal Services" specifically named.

SECTION 4. All laws and parts of laws inconsistent with this Act are hereby repealed.

SECTION 5. This Act shall take effect on July 1, 1933.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



## ACT 190

[S. B. No. 62]

AN ACT TO AMEND SECTION 1 OF ACT 276, OF THE SESSION LAWS OF HAWAII 1931, PROVIDING FOR THE EXCHANGE OF PUBLIC SCHOOL TEACHERS WITH STATES, COUNTRIES AND TERRITORIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 276 of the Session Laws of 1931, is hereby amended to read as follows:

“Section 1. The superintendent of public instruction is hereby authorized to contract for the exchange of public school teachers of the Territory of Hawaii with teachers of any state, country or territory. Teachers of the Territory of Hawaii so exchanged may be paid their regular salaries out of the funds appropriated for the pay of public school teachers of the Territory of Hawaii; provided, however, that the qualifications of all teachers from any such state, country or territory so exchanged shall be equal to those of the teachers exchanged by the Territory of Hawaii; and provided further, that in the selection of teachers in the Territory of Hawaii for exchange, preference shall be given to persons born in said Territory.

“All teachers so exchanged by the Territory of Hawaii shall furnish their own transportation to and from the state, country or territory with which exchanged.

“Provided further, that the requirements of citizenship shall not apply to any teacher coming to Hawaii from any foreign state, country or territory under any such contract of exchange.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

### ACT 191

[H. B. No. 279]

AN ACT TO AMEND SECTION 163 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WITHHOLDING OF SALARIES FOR TAXES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 163 of the Revised Laws of Hawaii 1925, is hereby amended by inserting, after the word "with" in the last line thereof, the words "penalties and", and by adding a new sentence to said Section 163 to read as follows:

"The operation of all garnishment process served upon the auditor or other paying officer shall be stayed until such delinquencies have been fully paid."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 192

[H. B. No. 416]

AN ACT TO AMEND SECTION 312 OF THE REVISED LAWS OF HAWAII 1925, AS FINALLY AMENDED BY ACT 263 OF THE SESSION LAWS OF HAWAII 1931, RELATING TO PUBLIC INSTRUCTION AND FEES CHARGEABLE THEREFOR.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 312 of the Revised Laws of Hawaii 1925, as finally amended by Act 263 of the Session Laws of Hawaii 1931, is hereby further amended to read as follows:

"Sec. 312. Tuition. The department of public instruction shall levy and collect a fee of ten dollars per school year from each pupil attending the public schools in the ninth, tenth, eleventh and twelfth grades. It is provided, however, that said fee of ten dollars may be paid in equal monthly installments. All such fees shall be covered into the teachers' salary fund and be available for the employment of teachers of required curriculum subjects in the

ninth, tenth, eleventh and twelfth grades. The department may in its discretion establish, maintain and/or discontinue standard schools in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district, without charge, however, of any tuition fees for attendance below the ninth grade. The department may authorize schools to levy and collect special fees for the purpose of covering breakage, replacement of apparatus and supplies, and the purchase of new equipment and supplies furnished by any such school, which fees shall be deposited in a separate fund by the said schools and expended by them under such rules and regulations as the department may prescribe. No tuition, equipment, material or other fees shall be assessed against any pupil in any elementary school."

SECTION 2. This Act shall take effect on July 1, 1933.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 193

[H. B. No. 36]

AN ACT TO AMEND CHAPTERS 9 AND 10 OF TITLE II OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO PRIMARY AND GENERAL ELECTIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 41 of the Revised Laws of Hawaii 1925, is hereby amended by deleting therefrom the first sentence thereof and inserting in lieu thereof the following:

"The official ballots shall be of uniform size, weight, shape and thickness, and, except for ballots specified in Section 1769, as amended, of the same color, for all counties. Before being finally printed by the respective county clerks, sample ballots or proofs thereof shall be by them submitted to the secretary of Hawaii for his approval as to uniformity of size, weight, shape, thickness and color, which approval must be obtained and shall be final."

SECTION 2. Section 55 of said Revised Laws, as amended by Act 123 of the Session Laws of Hawaii 1925, is hereby further amended to read as follows:

"Sec. 55. Proclamation. At least forty days before any territorial general election the governor shall issue an election proclamation."

SECTION 3. Section 58 of said Revised Laws is hereby amended to read as follows:

"Sec. 58. To fill vacancy. Whenever any vacancy in the membership of the legislature shall occur, the governor shall cause a special election to be held to fill the same. Such special election shall be called on a proclamation issued by the governor at least fifteen days prior to the date thereof, and, except as otherwise provided in this chapter, shall conform to the regular biennial elections held under the provisions of this chapter."

SECTION 4. Section 89 of said Revised Laws, as amended by Act 137 of the Session Laws of Hawaii 1927, is hereby further amended by adding thereto a new paragraph, to be numbered 13, and reading as follows:

"13. To post one of each specimen ballot on either side of the entrance to the voting place as provided for in Section 96."

SECTION 5. Section 96 of said Revised Laws is hereby amended to read as follows:

"Sec. 96. Defined. All elections shall be held by ballot only. A ballot is a written or printed, or partly written and partly printed paper containing the names of persons to be voted for and the office to be filled, and is issued by a county clerk as to county elections and by the secretary of Hawaii as to territorial elections and such ballot shall be the official ballot, and except the specimen ballot referred to in Section 42, any person writing or printing or causing to be written or printed any ballot, conforming in any respect, as to size, weight, shape, thickness or color, to the official ballot issued by the county clerk or the secretary of Hawaii, shall be guilty of a misdemeanor and punished as provided by Section 140, provided, however, that the county clerk shall have printed two exact copies of each of such official ballot or ballots that are to be used in the county election, for each election precinct, and the secretary of Hawaii shall have printed two exact copies of each of such ballot or ballots that are to be used in the territorial election, for each election precinct, such copies to have printed thereon, in large bold letters, and with ink of a color plainly contrasting to the color of the paper used, the word "Specimen". Two copies of each of specimen ballots shall be forwarded to the inspectors of election at the same time with the official ballots and the inspectors shall post one of each of such specimen ballots on either side of the entrance to the voting place."

SECTION 6. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 194

[S. B. No. 98]

AN ACT TO AMEND SECTION 2464 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 92 OF THE SESSION LAWS OF 1929, RELATING TO TRUST ESTATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2464 of the Revised Laws of Hawaii 1925, as amended by Act 92 of the Session Laws of 1929, is hereby further amended to read as follows:

"Sec. 2464. Trust estates. Any circuit judge sitting at chambers in equity and having jurisdiction over a trust, on petition of one of more of the trustees, and after such notice to those interested as shall be ordered by the judge, may, if it appears to be for the benefit of the trust estate, authorize or direct the trustee or trustees to lease or extend the terms of leases of the real property for such periods as may be deemed advantageous to the estate; or to invest moneys of the trust estate in the purchase of real or personal property, or the constructing, improving or repairing of buildings or other improvements on the land belonging to the trust estate, or in such other manner as the judge shall deem to be most for the benefit of the trust estate and as best effecting the objects of the trust. Any lease or extension of lease made under such authority or direction shall continue in force for the full period so authorized notwithstanding the trust shall have terminated."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 195

[H. B. No. 374]

AN ACT RELATING TO TAXATION AND PARTICULARLY TO THE  
TAX APPEAL COURT AND AMENDING SECTIONS 42, 46 AND  
47 OF ACT 40, SECOND SPECIAL SESSION LAWS, 1932.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 42 of Act 40, Second Special Session Laws 1932, is hereby amended to read as follows:

"Sec. 42. Tax appeal court. There shall be a tax appeal court for the Territory which shall consist of three members, each of whom shall have resided in the Territory for at least three years immediately preceding his appointment, to be appointed and to be removable by the governor as provided in Section 80 of the Hawaiian Organic Act. One of said members shall be an attorney at law, duly licensed to practice in all of the courts of the Territory who, when appointed, shall be designated as judge of the tax appeal court, and who shall act as chairman of said court, preside at all meetings thereof, determine the admissibility of evidence and decide questions of law with or without the presence of a quorum. His acts and rulings under such circumstances shall constitute the acts and rulings of said court. Each of the members of said court shall be appointed for a term of four years commencing January 1, immediately following the end of the preceding term, provided that the first three members shall be appointed, one for a term expiring December 31, 1934, one for a term expiring December 31, 1936, and one for a term expiring December 31, 1937; any vacancy in the membership of such court shall be filled for the unexpired term. The members of said court shall receive and be paid out of the treasury compensation for their services at the rate of (a) twenty dollars per day for the member of said court designated as judge thereof and (b) fifteen dollars per day for each of the other members thereof for each day's actual attendance upon their duties. The members of said court shall be paid such reasonable traveling and other expenses as may be incurred in the discharge of their duties under this Act. No officer or employee of the Territory or any political subdivision thereof shall be eligible for appointment to said court. The provisions of Section 84 of the Hawaiian Organic Act relating to the disqualification of judges shall be equally applicable to the members of said court."

SECTION 2. Section 46 of said Act 40 is hereby amended to read as follows:

"Sec. 46. Proceedings. The hearing before the tax appeal court shall be a hearing de novo, and each party shall have the right to introduce, or the tax appeal court may, of its own motion, require the taking of, such evidence in relation to the subject pending as in the court's discretion may be deemed proper. Assessments for the same year upon other similar property situate in the Territory shall be receivable in evidence upon the hearing."

SECTION 3. Section 47 of said Act 40 is hereby amended to read as follows:

"Sec. 47. Clerk; reporter; custody of records. The clerk of the land court shall be ex-officio the clerk of the tax appeal court and shall serve as such without additional compensation. It shall be the duty of such clerk to record all the proceedings of said court and to perform, on its behalf, any routine duties which it may assign to him. Upon the entry of any written order of said court he shall immediately send a copy thereof to all interested parties and to the assessor or the deputy in charge of the assessment list who shall forthwith correct the assessment list to conform thereto. All records of the court shall be kept in the office of such clerk. Any assistant to such clerk may act in the place of such clerk. Whenever necessary said court shall engage the services of a reporter who shall receive such compensation as may be fixed by it. The office of said court shall be in the Judiciary Building, at Honolulu, but it may sit at such other place or places within the Territory as it may deem necessary."

SECTION 4. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 196

[H. B. No. 419]

AN ACT TO AMEND SECTION 1307 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SPECIFIC TAXES ON CARRIAGES AND CERTAIN OTHER VEHICLES, SO AS TO PROVIDE FOR A TAX ON TRAILERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1307 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding thereto, imme-

diately following the first paragraph thereof, a new paragraph to read as follows:

"All trailers and other vehicles not self-propelled, drawn by motor vehicles or other similar mechanical motive power (all of such vehicles being hereinafter designated as trailers) shall be subject to an annual tax to be paid by the owners thereof and to be determined as follows:

Upon each trailer the tax shall be \$5.00 where the weight of such trailer plus the maximum load thereof is one ton (2,000 pounds) or less, and where the weight of such trailer plus such maximum load is in excess of one ton the tax shall be \$5.00 plus an additional 50¢ for each ton or portion thereof of such weight plus maximum load in excess of one ton."

SECTION 2. This Act shall take effect on December 31, 1933.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 197

[S. B. No. 245]

AN ACT TO REPEAL CHAPTER 126 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, AND TO ADD TO SAID REVISED LAWS A NEW CHAPTER TO BE NUMBERED 126A AND ELEVEN NEW SECTIONS TO BE NUMBERED 2131A TO 2131K, PROVIDING FOR THE LICENSING AND REGULATION OF THE MANUFACTURE AND SALE OF CERTAIN INTOXICATING LIQUORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new chapter to be numbered 126A and eleven new sections to be numbered Sections 2131A to 2131K, are hereby added to the Revised Laws of Hawaii 1925, to read as follows:

### "CHAPTER 126A

"MANUFACTURE AND SALE OF CERTAIN INTOXICATING LIQUORS.

"Sec. 2131A. Definitions. Whenever in this chapter the following words and equivalent expressions appear, they shall have the following meanings, respectively:



“‘Person’, ‘county’ and ‘commission’ shall have the respective meanings defined in Section 2116A.

“‘Liquor’ shall mean and include any spirituous, fermented, or distilled liquor, and any beverage, not included in the definition of ‘beverage’ as set forth in Section 2116A, with an alcoholic content of not less than one-half of one percentum by volume.

“Sec. 2131B. License necessary when. (1) Except as authorized or licensed so to do under the provisions of this chapter, no person shall manufacture, or sell, or expose, keep or offer for sale, any liquor.

“(2) The provisions of this chapter shall not apply to a duly licensed pharmacist making sales upon prescription or order of a physician duly licensed to practice medicine in the Territory.

“Sec. 2131C. Powers of commission. The commission for each county shall be charged with the administration and enforcement of the provisions of this chapter in such county and shall have power to grant licenses for the manufacture and sale of liquor pursuant to the provisions of this chapter, for which there shall be paid \$1.00 for each and every license issued.

“Sec. 2131D. Chapter 125A applicable. All provisions of Chapter 125A not inconsistent with the provisions of this chapter shall be applicable to, and/or to the commission in connection with: (1) liquor and the manufacture and/or sale thereof; (2) applications for licenses, and the granting or refusing of licenses under this chapter; (3) suspension or revocation of such licenses; (4) any persons, situations or circumstances affected or covered by this chapter; and (5) the performance of the commission’s duties under, and the enforcement of the provisions of, this chapter; in the same manner and to the same extent as if the same were set forth at length in this chapter with appropriate changes to conform to the subject matter and to other provisions of this chapter.

“Sec. 2131E. Additional powers of commission. In addition to the powers prescribed by Chapter 125A, as incorporated by reference in this chapter, and any other powers provided by this chapter, the commission shall have the following powers: (1) In case the commission finds that the public welfare of any given locality requires the limiting of the number of any class or classes of licenses issuable under this chapter to do business in such locality, the commission, with the approval of the governor, may limit the number of any such class or classes of licenses issuable for such locality to such number as it deems compatible with the public welfare.

“(2) The commission, by regulations adopted pursuant to Section 2116D, as incorporated by reference in this chapter, may pre-

scribe any reasonable restrictions or requirements, in addition to those authorized by Chapter 125A and this chapter, with respect to licenses, licensees, and the manufacture and/or sale of liquor, which the commission may deem proper for the purpose of more effectively administering and enforcing the provisions of this chapter, or protecting the public, or preventing nuisances which might arise in connection with the operation of any business authorized by any license issued under this chapter; provided that all regulations shall be as nearly as practicable uniform throughout the Territory, and the governor shall, before approving such regulations, require such uniformity.

"Sec. 2131F. Licenses, classes, fees. The same classes of licenses shall be issuable for the manufacture and sale of liquor under this chapter as are prescribed for the manufacture and sale of beverages under Section 2116-I, provided that the fees for such licenses shall be, respectively, as follows:

"(1) Manufacturer's license .....	\$2,400.00;
"(2) Wholesale dealer's license .....	1,200.00;
"(3) Retail dealer's license.....	600.00;
"(4) Hotel's license .....	500.00;
"(5) Restaurant's license .....	500.00;
"(6) Club's license .....	500.00.

"Sec. 2131G. No license issued when. No license shall be issued under this chapter:

"(1) If the issuance of a license for the manufacture or sale of beverages under the same circumstances would be forbidden by Section 2116L;

"(2) To any applicant whose license granted under Chapter 125A or this chapter shall have been revoked at any time;

"(3) To any person whom the commission shall find not to be of good moral character;

"(4) Unless there shall be filed with the application for such license an instrument or instruments in writing containing the consent of a majority in number of the holders (members of incorporated societies and of associations or partnerships, and joint lessees or holders to be considered as one holder) of the real estate situated within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of each of the surrounding properties, which consent shall be signed and acknowledged by all persons agreeing thereto in the manner required for deeds entitled to be recorded. Provided, that whenever the consent required by this section shall have been obtained and filed as herein provided, unless the same shall be

given for a limited term, no further or other consent for trafficking in liquor on the same premises, in manner as theretofore consented to, shall be required so long as such premises shall be continuously used for such traffic.

"No person having once signed and acknowledged any consent to the issuance of a license, application for which has been duly filed, shall be at liberty to revoke the same as to such application without reason satisfactory to the commission;

"(5) Unless there shall be filed with the commission a good and sufficient bond substantially in the form prescribed by Section 2131H, in a sum equal to twice the amount of the license fee for the license applied for, or five thousand dollars, whichever is the greater, with at least two good sureties, which bond shall be subject to the approval of the commission; provided, that any citizen of the Territory who is a bona fide owner of unencumbered real estate within the Territory, of a value equal to twice the amount of the bond required, according to the last assessment of taxes on such property, over and above all his debts and liabilities, shall be accepted and approved as a sufficient surety; and provided further, that any corporation organized for the purpose of becoming surety on bonds, authorized under the laws of the United States to act as such surety, and doing business in the Territory under the provisions of the laws of the United States and of the Territory of Hawaii, may be accepted by the commission as surety upon bonds required by this chapter, in lieu of the two personal sureties.

"Sec. 2131H. Form of bond. The form of bond required by Section 2131G shall be prescribed by the commission with the approval of the governor and shall be substantially uniform throughout the Territory, and shall be conditioned that the person licensed will faithfully observe and keep all the conditions of the license, all valid regulations of the commission and all laws applicable to the holding and exercise of the license, and that upon proof of any such violation being made to the satisfaction of a court of competent jurisdiction, sitting without a jury, trial by jury in any such case being waived in such bond, judgment shall be entered against the principal and sureties named in such bond for the full amount thereof. Such bond shall be duly executed and acknowledged by the principal and surety or sureties.

"Sec. 2131-I. Manufacture and sale in Kalawao county. In the county of Kalawao liquor may be manufactured or sold only by such person or persons and only under such conditions as may be permitted or prescribed from time to time by the board of hospitals and settlement.

"Sec. 2131J. Penalties. Any person violating any provision of this chapter, or any rule or regulation adopted by the commission

pursuant thereto, for which violation no other penalty is otherwise prescribed, shall be guilty of a felony punishable by fine of not more than five thousand dollars or imprisonment for not more than five years (in the case of natural persons) or both such fine and imprisonment.

"Sec. 2131K. Construction of chapter; effect of invalidity. This chapter shall not be construed as in any manner purporting to legalize or authorize the performance of, or the failure to perform, any act in contravention of the Constitution and laws of the United States of America. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of such chapter and the application of such provision, to other persons or circumstances, shall not be affected thereby."

SECTION 2. This Act being enacted in contemplation of the anticipated repeal of the eighteenth amendment to the United States Constitution, and it being impossible at this time to anticipate what laws, if any, will be enacted by the Congress of the United States with respect to the manufacture and sale of liquor in the Territory of Hawaii, it is hereby provided that in the event that said amendment shall be repealed and federal legislation shall be enacted inconsistent with any of the provisions of this Act, the commission for each county shall have power to provide, by regulations approved by the governor, for the issuance of licenses to manufacture and/or sell liquor in such county and to issue such licenses, in conformity with federal legislation, pending action by the legislature of said Territory with respect to such matters. Such regulations shall be as nearly as practicable uniform throughout the Territory and shall conform with all provisions of this Act not inconsistent with such federal legislation, all of which provisions shall continue in effect.

SECTION 3. Chapter 126 of said Revised Laws, as amended, is hereby repealed.

SECTION 4. This Act shall take effect only in the event that the eighteenth amendment to the United States Constitution shall be repealed, and, in such event, shall take effect upon the effective date of such repeal.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
 Governor of the Territory of Hawaii.

**ACT 198**

[H. B. No. 20]

AN ACT TO AMEND SECTION 1688 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 170 OF THE SESSION LAWS OF 1925, RELATING TO DEPUTIES TO COUNTY OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1688 of the Revised Laws of Hawaii 1925, as amended by Act 170 of the Session Laws of 1925, is hereby amended to read as follows:

"Sec. 1688. Deputies, appointment, removal, powers. Any county officer, except members of the board of supervisors, may appoint a deputy, to undertake and perform or aid in the performance of the duties of his office; and may at his pleasure remove the same. Such appointment shall be made in writing and a copy thereof filed in the office of the county clerk and county auditor. Each deputy shall have the same powers as his principal and whenever by law an act is required to be performed by an officer, it shall be valid if performed by a deputy duly appointed; provided, that in cases of any vacancy occurring in any county office for which a deputy has been duly appointed during the term for which the principal officer was elected, the deputy duly appointed shall have the power and perform the duties of said office until the successor of the principal officer is appointed and qualified."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 199**

[S. B. No. 170]

AN ACT TO PROVIDE FOR THE PUNISHMENT OF STOWAWAYS ON SHIPS ARRIVING IN THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Stowaways, penalty. Any person who arrives in the Territory of Hawaii as a stowaway on any ship and lands in the Territory of Hawaii shall be deemed guilty of a misdemeanor. Any person convicted of said offense shall be punished by a fine of not more than one thousand dollars or by imprisonment for a term not exceeding one year or by both such fine and imprisonment.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 200**

[S. B. No. 258]

AN ACT MAKING VARIOUS APPROPRIATIONS FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE UNIVERSITY OF HAWAII, THE LIBRARIES OF HAWAII, AND ROOSEVELT INTERMEDIATE AND SENIOR HIGH SCHOOL, AND PROVIDING FOR REIMBURSEMENT THEREOF FROM THE COLLECTIONS OF DELINQUENT PROPERTY TAXES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of one hundred twenty-five thousand dollars (\$125,000.00) for the use of the University of Hawaii, the sum of fifty thousand dollars (\$50,000.00) for the construction of an assembly hall at Roosevelt Intermediate and Senior High School in Honolulu (to be expended in the same manner as other moneys included for new buildings in the special school fund budget for the city and county of Honolulu), the sum of twenty-nine thousand five hundred dollars (\$29,500.00) for the use of the Library of Hawaii, the sum of six thousand three hundred fifty-six and 87/100ths dollars (\$6,356.87) for the use of the Maui County Free Library, the sum of eight thousand nine hundred ninety-seven and 60/100ths dollars (\$8,997.60) for the use of the Hilo Library.

APPROPRIATIONS FOR UNIVERSITY HAWAII, LIBRARIES,  
ROOSEVELT HIGH SCHOOL AND REIMBURSEMENT  
FROM DELINQUENT PROPERTY TAXES. [Act 200  
EMPLOYMENT AND PAY OF OFFICIALS ON  
248 ACTIVE SERVICE. [Act 201

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and the sum of three thousand fifteen and 60/100ths dollars (\$3,015.60) for the use of the Kauai Library, which amounts shall become available on July 1, 1933.

SECTION 2. Subject to compliance with Acts 135 and 116 of the Session Laws of Hawaii 1933, and after satisfying the current requirements of the various counties and the city and county of Honolulu, the territorial treasurer is hereby directed to reimburse the general fund from the remainder of the delinquent property taxes collected, as follows:

From the first taxation division, up to seventy-nine thousand five hundred dollars (\$79,500.00);

From the second taxation division, up to six thousand three hundred fifty-six and 87/100ths dollars (\$6,356.87);

From the third taxation division, up to eight thousand nine hundred ninety-seven and 60/100ths dollars (\$8,997.60);

From the fourth taxation division, up to three thousand fifteen and 60/100ths dollars (\$3,015.60);

From each taxation division, after satisfying the above requirements as to such division, the remainder until the total thereof shall equal one hundred twenty-five thousand dollars (\$125,000.00).

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 201**

[S. B. No. 262]

AN ACT TO AMEND SECTIONS 280 AND 281 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO EMPLOYMENT AND PAY OF OFFICIALS ON ACTIVE SERVICE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 280 of the Revised Laws of Hawaii 1925, as amended by Act 110 of the Session Laws of Hawaii 1925, is hereby further amended to read as follows:

"Sec. 280. Pay of officers and employees. All officers and employees of the Territory of Hawaii, the several counties or city and county, shall be entitled, while on active duty or during periods of camps of instruction or field maneuvers as members of the Hawaii

National Guard, Naval Militia, Organized Reserves, including the Officers' Reserve Corps and Enlisted Reserve Corps, under call of the President of the United States or the Governor of the Territory of Hawaii, to receive pay as provided by law, the amount thereof to be deducted from the ordinary remuneration as such officer or employee."

SECTION 2. Section 281 of said Revised Laws, as amended by said Act 110, is hereby further amended to read as follows:

"Sec. 281. Non-forfeiture for absence. No officer or employee of the several counties and the city and county, and no officer or employee of the Territory of Hawaii unless ordered by the department head with the approval of the governor to remain at his regular duty, shall be held to have forfeited his position by reason of absence from the performance of his duties thereof while on active duty or during periods of camps of instruction or field maneuvers as a member of the Hawaii National Guard, Naval Militia, Organized Reserves, including the Officers' Reserve Corps, and Enlisted Reserve Corps, and such officers and employees shall be entitled to leave of absence from their respective duties without loss of time or pay on all days during which they shall be engaged as herein provided, and ordered or authorized under the provisions of this Act."

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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## ACT 202

[S. B. No. 266]

AN ACT TO AMEND ACT 100 OF THE SESSION LAWS OF 1927,  
RELATING TO THE TERM "PUBLIC UTILITY".

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The date "June 30, 1933", as the same appears in Section 1 of Act 100 of the Session Laws of 1927, is hereby amended to read "June 30, 1935".

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.



**ACT 203**

[S. B. No. 268]

AN ACT TO AMEND SECTION 71 OF ACT 40 OF THE SECOND SPECIAL SESSION LAWS OF HAWAII 1932, RELATING TO TAXATION OF REAL PROPERTY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 71 of Act 40 of the Second Special Session Laws of Hawaii 1932, is hereby amended by substituting for the words "at such times as soon as practicable after collection as the treasurer shall direct", which appear in the first sentence of the first paragraph thereof, the words "each month within ten (10) days after the collection of said taxes."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 204**

[S. B. No. 269]

AN ACT PROVIDING PENSION FOR HENRY SATO AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized and directed to pay each month and until abolished, amended and/or otherwise acted upon by the legislature, out of its general fund, the sum of one hundred six and 28/100 dollars (\$106.28) as pension to Henry Sato for permanent injuries sustained by him while performing his duties as a police officer.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 205**

[S. B. No. 271]

AN ACT TO AMEND SECTION 1868 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 75 OF THE SECOND SPECIAL SESSION LAWS 1932, RELATING TO PURCHASE OF LAND IN DEFAULT OF TAXES LEVIED IN IMPROVEMENT DISTRICTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1868 of the Revised Laws of Hawaii 1925, as amended by Act 75 of the Second Special Session Laws 1932, is hereby further amended to read as follows:

"Sec. 1868. Purchase at sale. At any sale for default in payment of any assessment as aforesaid, the treasurer of the city and county may accept, in lieu of cash, in payment for the land so sold, bonds of said improvement district whether such bonds are then outstanding or hereafter issued, to a value of par plus accrued interest to date of sale. Upon the receipt of such bonds the treasurer shall cancel same and credit the improvement district with the amount allowed on the bonds."

SECTION 2. Section 2 of said Act 75 of the Second Special Session Laws 1932, is hereby repealed.

SECTION 3. This Act shall take effect on its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**ACT 206**

[H. B. No. 233]

AN ACT TO AMEND CHAPTER 21 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO CERTIFICATES OF HAWAIIAN BIRTH, BY ADDING THERETO A NEW SECTION CREATING A SPECIAL FUND AND BY AMENDING SECTION 199 THEREOF, RELATING TO FEES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION. 1. Chapter 21 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding thereto a new section to be numbered Section 198A and reading as follows:

"Sec. 198A. There is hereby appropriated from the general revenues of the Territory the sum of three thousand five hundred

dollars (\$3,500.00), which shall, together with the fees accruing under Section 199, constitute a special fund for the payment of all expenses incurred in the execution of the provisions of this chapter."

SECTION 2. Said Chapter 21 is hereby further amended by amending Section 199 thereof, as amended by Act 66 of the Session Laws of Hawaii 1929, to read as follows:

"Sec. 199. Fees. Fees shall be charged in connection with the issuance of such certificates as follows: for the filing of each application for a certificate a fee of five dollars (\$5.00); for certified copies of such certificates a fee of one dollar (\$1.00) for each such certificate, and a charge of fifty cents (50c) for each one hundred words or portion thereof contained in such certificate. All such fees collected shall be paid into the special fund created by Section 198A."

SECTION 3. This Act shall take effect on and after July 1, 1933.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 207

[S. B. No. 263]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI, AT THE REQUEST OF ITS COUNTY SHERIFF, TO APPROPRIATE FROM TIME TO TIME, FOR THE USE OF THE POLICE DEPARTMENT, SUMS AGGREGATING NOT LESS THAN EIGHTY THOUSAND DOLLARS (\$80,000.00) PER ANNUM FROM SUCH FUNDS AS ARE AVAILABLE BY LAW FOR SUCH PURPOSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the county of Kauai, upon the request of the county sheriff, shall appropriate from time to time, for the use of the police department of said county, sums aggregating not less than eighty thousand dollars (\$80,000.00) per annum from such funds as are available by law for such purposes. The board of supervisors may from time to time in its discretion appropriate from its proper funds additional moneys to be used by the police department.

SECTION 2. Disbursement of funds. All moneys appropriated for the police department shall be disbursed by the county treas-

urer only upon warrants issued by the county auditor on vouchers signed by its county sheriff or such officer or employee as the county sheriff may authorize and approved by the board of supervisors.

SECTION 3. This Act shall take effect July 1, 1933.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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### ACT 208

[H. B. No. 329]

AN ACT TO BE HEREINAFTER NAMED AND CITED AS THE OLD AGE PENSION ACT DESIGNATING AND AUTHORIZING THE BOARD OF SUPERVISORS OF THE RESPECTIVE COUNTIES AND CITY AND COUNTY OF THE TERRITORY OF HAWAII AS THE OLD AGE PENSION COMMISSION FOR THEIR SEVERAL COUNTIES AND CITY AND COUNTY, PRESCRIBING THEIR DUTIES AS SUCH AND GIVING TO SAID OLD AGE PENSION COMMISSION POWER TO MAKE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT, PROVIDING CERTAIN PERSONS OVER THE AGE OF SIXTY YEARS MAY BE GRANTED OLD AGE PENSIONS, DESCRIBING THEIR QUALIFICATIONS THEREFOR AS TO RESIDENCE, CHARACTER AND PROPERTY; PROVIDING FOR THE RE-PAYMENT TO THE SEVERAL COUNTIES AND CITY AND COUNTY OF ALL MONEY PAID IN OLD AGE PENSIONS UNDER CERTAIN CONDITIONS; PROVIDING THE REQUIREMENTS TO BE MADE BY AN APPLICANT BEFORE THE OLD AGE PENSION MAY BE COLLECTED: PROVIDING FOR OLD AGE PENSION CERTIFICATES AND RENEWAL THEREOF; PROVIDING FOR PAYMENT OF OLD AGE PENSIONS; PROVIDING THAT OLD AGE PENSION SHALL NOT BE SUBJECT TO ASSIGNMENT, SALE, ATTACHMENT OR EXECUTION; PROVIDING FOR CANCELLATION OF OLD AGE PENSION CERTIFICATES UNDER CERTAIN CONDITIONS; PROVIDING PENALTIES FOR OBTAINING OR AIDING AND ABETTING IN OBTAINING OLD AGE PENSIONS THROUGH FALSE REPRESENTATION OR FRAUD; PROVIDING FOR THE DISQUALIFICATION OF APPLICANTS UNDER CERTAIN CONDITIONS; PROVIDING THAT OLD AGE PENSIONS ARE TO BE PAID FROM THE POOR FUND OF THE VARIOUS COUNTIES AND CITY AND COUNTY; AND PROVIDING FOR THE REPORTS OF OLD AGE PENSION COMMISSIONS TO THE TERRITORIAL AUDITOR; AND REPEALING ALL ACTS IN CONFLICT HEREWITH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The boards of supervisors of the counties and City and County of the Territory of Hawaii are hereby authorized to establish in each of said counties and city and county an old age pension board hereinafter called the old age pension commission and the board of supervisors of the respective counties and City and County of the Territory of Hawaii are hereby designated as the old age pension commission of their respective counties and city and county and will serve as such without any additional compensation.

SECTION 2. The old age pension commission where established shall perform all the duties imposed upon it by this act and shall have authority to make such rules and regulations consistent with the provisions hereof as are necessary to carry out the provisions of this act. The old age pension commission shall meet at such times and places as shall be fixed by its rules.

SECTION 3. Every person (man or woman, married or single) shall, in the discretion of the old age pension commission while residing in the Territory of Hawaii, be entitled to a pension in old age subject to the restrictions and qualifications hereinafter noted.

SECTION 4. The amount of said pension shall be fixed by the old age pension commission with due regard to the conditions in each case; but in no case shall it exceed fifteen dollars (\$15.00) per month.

SECTION 5. An old age pension may be granted only to an applicant who,

- (a) Has attained the age of sixty-five years or upwards.
- (b) Has been a citizen of the United States for at least thirty (30) years before making application for a pension.
- (c) Resides in the Territory of Hawaii and has so resided continuously therein for not less than fifteen years immediately preceding the date of the application for a pension, provided, that continuous residence in the Territory of Hawaii shall not be deemed to have been interrupted by occasional absence therefrom where the total period of such absence does not exceed three years; or by absence from the Territory while in the employ or service of the Territory of Hawaii or of the United States.
- (d) That during the period of ten years preceding such date of application he has not been imprisoned for any offense punishable by imprisonment in Oahu Prison.
- (e) That he has not been, within one year preceding such application for pension, a professional tramp or beggar.

SECTION 6. The income of the claimant from all sources at the date of application for relief shall not exceed three hundred dollars (\$300.00) per annum.

(a) The claimant must not have deprived himself or herself, directly or indirectly, of any property for the purpose of qualifying for old age relief.

(b) At the death of the person to whom the pension is granted, or of the last survivor of a married couple, the total amount of the pension since the first grant, together with five (5) per centum of interest shall be deducted and allowed by the proper courts out of the proceeds of his or her property as a preferred claim against the estate of the person so assisted, and refunded to the county or city and county treasury, leaving the balance for distribution among the lawful heirs in accordance with law; provided that the old age pension commission may demand the assignment or transfer of such property upon the first grant of such pension. The old age pension commission shall establish such rules and regulations regarding the care, transfer, management, and sale of such property as it deems advisable, and also provide for the return of the balance of the claimant's property into its hands whenever the pension is withdrawn or the claimant ceases to request it.

SECTION 7. The annual income of any property inclusive of a homestead, shall be computed at (5) per centum of its determined value.

(a) In ascertaining a claimant's income and the amount of pension, his income for the last preceding year shall be deemed his annual income, and the property owned at the end of that year as his accumulated property, provided that when the claimant shows to the satisfaction of the old age pension commission the loss of personal income derived from personal earnings, it shall be deducted from the income of the preceding year in considering the amount of pension to be granted.

SECTION 8. A claimant for an old age pension under this act shall deliver his or her claim in writing to the old age pension commission of the county in which the claimant resides in the manner and form prescribed by the old age pension commission. All statements in the application shall be sworn to or affirmed by the applicant setting forth that all facts are true and correct in every material point.

SECTION 9. When the claim is established and the rate of the first year's old age pension is fixed, the old age pension commission shall in the manner it may prescribe certify the same to the county or city and county treasurer of such county and shall issue to the claimant an old age pension certificate which shall state the date

of issuance, the claimant's name, age, residence and the amount of monthly payment which certificate shall be good for one year unless sooner revoked.

(a) The old age pension certificate shall be required each subsequent year, to be renewed after satisfactory investigation.

SECTION 10. The old age pension shall commence on the date named in the certificate issued to the claimant by the county or city and county treasurer.

(a) All old age pensions shall be paid in monthly payments by warrants drawn on the county or city and county treasurer.

SECTION 11. If at any time during the currency or continuance of an old age certificate, the recipient or the wife or husband of the recipient becomes possessed of any property or income in excess of the amount allowed by law in respect to the amount of pension granted, the old age pension commission may, on inquiry, either cancel the pension or vary the amount thereof during the period of the certificate and it shall be the duty of the recipient immediately to notify the old age pension commission of the receipt and possession of such property or income.

(a) If on the death of any recipient of an old age pension, it is found that he, or she, was possessed of property in excess of the amount allowed by law in respect to the amount of pension granted, double the total amount of the relief granted in excess of that to which the recipient was by law entitled, may be recovered by the old age pension commission as preferred claim from the estate so found in excess. The attorney general or county attorney or city and county attorney shall take the necessary proceedings to recover such claim and the amount recovered shall be paid into the county treasury of such county.

SECTION 12. On the death of a recipient of old age pension, the installment then accruing and such other reasonable funeral expenses as are necessary for the burial of such person shall be paid to such persons as the old age pension commission directs; provided that these expenses do not exceed One Hundred Dollars (\$100.00) and provided further that the estate of the deceased is insufficient to defray the expenses.

(a) It is provided, further, that these provisions for providing old age pensions shall not be construed as a vested right in the pensioners.

SECTION 13. During the continuance of the old age pension no recipient shall receive any other relief from the county or from any political subdivision thereof except for medical and surgical assistance.

SECTION 14. All old age pensions shall be absolutely inalienable by any assignment, sale, attachment, execution or otherwise, and in case of bankruptcy the old age pension shall not pass to any trustee or other persons acting on behalf of creditors.

SECTION 15. If at any time the old age pension commission has reason to believe that any old age pension certificate has been improperly obtained, it shall cause special inquiry to be made by the county attorney and may suspend payment of any installment pending the inquiry. If, on inquiry, it appears that the certificate was improperly obtained, it shall be cancelled by the old age pension commission, but if it appears that the certificate was properly obtained, the suspended installment shall be payable in due course.

SECTION 16. Any person who by means of a willfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain or aids or abets any other person to obtain

(a) An old age pension certificate to which he is not justly entitled.

(b) A larger amount of assistance than that to which he is justly entitled.

(c) Payment of any forfeited installment grant.

(d) Or aids and abets in the buying or in any way disposing of the property of an old age pension recipient without the consent of the old age pension commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one year or both.

SECTION 17. Any person who violates any provisions of this act for which no penalty is specifically provided shall be subject to a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one year or both.

(a) Where an old age pension recipient is convicted of an offense under this section, the old age pension commission may cancel the pension certificate in respect to the issue of which the offense was committed.

SECTION 18. If any recipient under this act is convicted of any crime, misdemeanor, or felony, or other offense, punishable by imprisonment for one month or longer period, the old age pension commission shall direct that payment be not made during such period. Furthermore, if the recipient is found incapable of taking care of his money or himself on the testimony of reputable witnesses, the old age pension commission may direct the installment of his pension to be paid to any other reputable person for his benefit or may suspend same for such period as it deems fit.



SECTION 19. In case of forfeiture of any old age pension certificate the person whose pension is so forfeited shall be disqualified from making any application for a new certificate until the expiration of one year from the date of forfeiture.

SECTION 20. The funds for the payment of the old age pensions shall be furnished by the respective counties and city and county and all expenses incurred in the administration of this act shall be paid from the funds of the several counties and city and county and paid by the county or city and county treasurer.

SECTION 21. Within ninety (90) days after the close of the calendar year the old age pension commission of each county and city and county shall make a report of the preceding year to the Territorial Auditor stating

- (a) The total number of recipients.
- (b) The amount paid in cash.
- (c) The total number of applications.
- (d) The number granted pension, the number denied, the number cancelled during the year and such other information as the Territorial Auditor may deem advisable.

SECTION 22. All methods of procedure in hearings, investigations, recording, registration, and accounting pertaining to the old age assistance under this act shall be in accordance with the rules and regulations as laid down from time to time by the old age pension commission.

SECTION 23. Every old age pension granted under the provisions of this act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient under this act shall have any claim for compensation or otherwise by reason of his old age pension being affected in any way by any such amending or repealing act.

SECTION 24. That wherever in this act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

SECTION 25. This act shall be named and cited as the old age pension act of the Territory of Hawaii.

SECTION 26. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 27. This act shall take effect on January 1, 1934.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## ACT 209

[S. B. No. 117]

AN ACT FOR THE RELIEF OF UNEMPLOYMENT IN THE TERRITORY OF HAWAII, PROVIDING FOR A TAX UPON SALARIES, WAGES AND DIVIDENDS AND PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF, FOR SUCH PURPOSE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. Wherever used in this Act, unless the subject-matter, context or sense otherwise require, the masculine gender shall include the feminine and neuter genders, the singular shall include the plural and vice versa, and the following terms and equivalent expressions shall have the following meanings, respectively:

(a) "Employer" shall include any individual, person, trust estate, decedent's estate, business trust, corporation, association, joint stock company, national bank, insurance company, partnership or other entity or group employing any person, and shall also include the auditor of the Territory, the auditor of any county, and any other officer or agent of the Territory, or any county, charged with the disbursement of public moneys as compensation to employees of the Territory or county, or any department or agency thereof, as the case may be, in so far as such disbursements are concerned.

(b) "Territory" shall mean the Territory of Hawaii.

(c) "County" shall include the city and county of Honolulu, and each county of the Territory.

(d) "Compensation" shall mean and include commissions, fees, wages, salaries, bonuses and every and all other kinds of compensation paid for or attributable to personal services performed within the Territory received by an individual, which services have been performed by such person as an employee under the direction and control of the employer.

(e) "Dividends" shall mean and include dividends as defined in the territorial income tax law (Act 44, Second Special Session Laws 1932), but shall not include amounts received under life insurance, endowment or annuity contracts.

(f) "Local company" shall mean and include every corporation, national banking association, insurance company, association or joint stock company organized in or under the laws of the Territory. "Foreign company" shall mean and include every corporation, national banking association, insurance company, association or joint stock company organized in or under the laws of any jurisdiction other than the Territory.

(g) "Commission" shall mean the Unemployment Work Relief Commission created by Section 18.

(h) "County subcommittee" shall mean the Unemployment Work Relief Subcommittee of each county, appointed under this Act.

(i) "Commissioner" shall mean and include the tax commissioner of the Territory and any duly appointed subordinate of his department duly authorized by him to perform any of the duties and functions imposed upon him by this Act.

(j) "Collector" shall include the tax commissioner and any tax collector of the Territory.

(k) "Month" shall mean calendar month.

SECTION 2. Short title of Act. This Act may be cited as the "HAWAII UNEMPLOYMENT RELIEF ACT."

SECTION 3. Tax; exemptions.

(a) There shall be assessed, levied, collected and paid for each month a tax of one-half of one per cent upon the amount of all compensation, not exempted under subsection (b) hereof, received by every person, during all or any part of such month.

(b) Any such compensation paid (1) out of funds appropriated by, or furnished pursuant to the provisions of, any statute of the Territory or of the United States of America for the relief of unemployment, or (2) out of any unemployment relief fund created by this Act, shall be exempt from the tax imposed by this section.

SECTION 4. Employer to withhold and pay tax on compensation. Any employer making payments to an employee of compensation shall deduct and withhold therefrom one-half of one per cent thereof and shall pay the amount so withheld for each month within twenty days after the close of such month to the collector of the taxation division in which the employer has his principal place of business, or to the commissioner at Honolulu if the employer has no place of business in the Territory. Any employer who violates any of the provisions of this section shall be guilty of a misdemeanor.

SECTION 5. Employer to file return covering tax on compensation. The employer shall, on or before the 20th day of each month, make a full, true and correct return showing all compensation covered by Section 4 paid by him during the preceding month, and showing the tax due and withheld thereon, which return shall be filed at the place prescribed in Section 4 for payment of the tax and shall include such other information as shall be required or prescribed by the commissioner; provided, however, that with respect to compensation paid out of public moneys, the commissioner in his discretion may prescribe special forms for, and different procedure and times for the filing of, such returns by employers

paying such compensation, or may, upon such conditions and subject to such rules as he may prescribe from time to time, waive the filing of any such returns. Any employer who violates any of the provisions of this section shall be guilty of a misdemeanor.

SECTION 6. Taxes withheld by employer held in trust. All taxes withheld by any employer under Section 4 shall be held in trust by him for the Territory and for the payment of the same to the collector in the manner and at the times required by this Act.

SECTION 7. No cause of action against employer for withholding. No employee shall have any right of action against his employer in respect of any moneys deducted from such employee's compensation in compliance or intended compliance with this Act.

SECTION 8. Individual to file return of earned income when. Any individual who is in receipt of compensation from an employer who does not have a place of business in the Territory and does not have an agent within the Territory responsible for making the returns, withholdings and payment of taxes on compensation, required by this Act, and every individual who is in receipt of any dividends from any foreign company, shall file a return for each month with, and pay the tax due under this Act to, the collector of the division in which he resides or is at the time present, as may be required by rules of the commissioner, or, if he is not at the time within the Territory, then with and to the commissioner at Honolulu. All such returns shall be filed, and the payments thereon shall be made, at the times and in the manner prescribed in Section 4 of this Act, and each such return shall state the name of the individual filing the same, the name, residence and address of his employer, or of the foreign company paying such dividends, the total of all such compensation or dividends received for the preceding month and the tax due thereon, and shall include such other and further information and be upon such form as the commissioner shall require or prescribe. Failure to comply with the provisions of this section shall constitute a misdemeanor.

SECTION 9. Tax on dividends. There shall be assessed, levied, collected and paid for each month a tax of one-half of one per cent upon the amount of all dividends paid during such month by any company, local or foreign.

SECTION 10. Returns and withholding and payment of tax on dividends by local companies. Every local company, before making any payment or distribution of dividends to its shareholders, shall deduct and withhold therefrom one-half of one per cent thereof and shall pay the amount so withheld to the collector of the taxation division in which the company has its principal place of business in the Territory or to the commissioner at Honolulu, as may

be prescribed by regulations of the commissioner. Such company, on or before the 20th day of each month following the month in which there has been any payment of such dividends and withholding of the tax thereon, shall make a full, true and correct return showing all such dividends so paid and the amounts withheld on account thereof during the preceding month, which return shall be filed at the place in this section prescribed for payment of such tax and shall include such other information as shall be required or prescribed by the commissioner. Any company violating any of the provisions of this section shall be guilty of a misdemeanor.

SECTION 11. Commissioner to prescribe forms, etc. The commissioner shall prescribe the forms of all returns required to be furnished under the provisions of this Act and may provide in such forms for the giving of such information as he may deem necessary or advisable. All information required by the form of any return must be included in the return by the person, employer or company responsible for making the same. Every return shall be verified upon oath or affirmation by the person or employer liable to make the return, or by some one authorized to do so on his behalf, or in the case of a company, by any officer or agent authorized to do so in its behalf, all in compliance with rules prescribed by the commissioner.

SECTION 12. Commissioner to furnish blanks, etc. The commissioner shall furnish all collectors and other officers charged with the administration of this Act with books, blanks and stationery in such form and quantity as he shall deem proper and sufficient to effectuate the purposes of this Act.

SECTION 13. Rules. The commissioner shall prescribe and have printed all needful rules for the enforcement of this Act and such rules so made shall have the force and effect of law if they be not in conflict with the express provisions of this Act. Such rules shall also provide for the making of returns concerning, and the payment of, any taxes imposed by this Act, in any situations not specifically covered by this Act.

SECTION 14. Other provisions applicable. All of the provisions of Act 44, Second Special Session Laws 1932, not inconsistent with the provisions of this Act and which may appropriately be applied to the taxes, persons, circumstances and situations covered or affected by this Act, including provisions granting administrative powers to the tax commissioner and providing for the assessment, levy and collection of income taxes, shall be applicable to the assessment, levy and collection of taxes under this Act.

SECTION 15. Penalties. Any person convicted of any misdemeanor under the provisions of this Act shall be punished by fine

of not more than one thousand dollars or (if a natural person) by imprisonment for not more than one year, or both such fine and imprisonment.

If any individual liable, under the provisions of this Act, to make and file a return of compensation or dividends received by him, shall fail, neglect or refuse to make and file such return within the time prescribed by this Act, or shall decline to take oath or affirmation to a return if made, the commissioner may make a return for such individual from the best information obtainable and may levy and assess a tax upon the amount of compensation or dividends shown by such return against such individual and, in addition to said tax and as a part thereof when finally assessed, a penalty not to exceed twenty-five per cent of the amount of said tax may, in the discretion of the commissioner, be added to and become a part of said tax; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this Act, the contrary shall be clearly proved by such individual, and the burden of proof upon such appeal shall be on such individual to disprove the correctness of such assessment. Notice of any such assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in Sections 13 (d) and 15 of Act 44, Second Special Session Laws 1932, with respect to income taxes.

SECTION 16. Additional taxes; appeals. Sections 13 (d) and 15 of Act 44, Second Special Session Laws 1932, shall apply in the same manner and to the same extent, as nearly as may be, to assessments and returns made, compensation or dividends taxable, and persons assessed or taxed, under this Act, as in cases of income taxes under said Act 44. The commissioner by rules shall provide for the adaptation, as nearly as may be, of the procedure set forth in said sections to persons and situations affected by or arising under the provisions of this Act.

SECTION 17. Disposition of proceeds; unemployment relief fund. There is hereby created in the territorial treasury a special fund to be designated as the "Unemployment Work Relief Fund". All taxes collected under this Act shall be paid into the territorial treasury at such times, as soon as practicable after collection, as the territorial treasurer shall direct, and be credited to said fund.

Except in case of an emergency requiring other relief, and then only with the approval of the governor, no moneys provided by taxation under this Act shall be expended for any purpose whatsoever except wages paid to persons as compensation for work performed in employment on territorial or county projects by the authority and under the direction of the commission. It is the sense of the legislature that so much of said funds as may be used with-

out prejudice to the general purposes of this Act shall be expended upon contracts awarded in the manner provided by law for public works, with such provisions and rules of expenditure as the commission may prescribe including the right to allot or divert all or any part of said funds to any awarding officer of the Territory. Such employment relief shall be provided for in the several counties as nearly as practicable according to the employment relief requirements of the counties respectively, as to the commission shall seem appropriate from time to time in view of the requirements of all counties.

All materials, equipment and supplies, and supervision as required, for any employment project, shall be furnished by the Territory or by the county originating such project, as the case may be, and all other expenses of every kind shall be met only out of such other funds as may become available from separately provided territorial or county appropriations or other contributions.

SECTION 18. Relief commission; appointment; powers. There is hereby created a commission, to be known as the "Unemployment Work Relief Commission", to consist of ten members which shall include seven residents of the city and county of Honolulu and one resident of each of the counties of Hawaii, Maui and Kauai. The members of the commission shall be appointed in the manner prescribed by Section 80 of the Organic Act, for a term of three years each and to be removable as provided in the first paragraph of said section.

The commission shall appoint one of its own members as chairman.

The commissioners shall serve without remuneration in any form.

The commission shall establish territorial policies for the carrying on of its work and be responsible to the governor for the proper administration thereof as in this Act contemplated.

A majority of the members of the commission shall constitute a quorum for the transaction of any business at any meeting called on not less than two days' notice; provided that if three or more members shall be present at any meeting called without notice such members present shall have power to act by a majority vote taken at such meeting as respects matters of a general or routine nature not involving the establishment or change of any administrative purpose or policy.

The commission may prescribe and enforce such rules and regulations as it may deem appropriate from time to time to govern the administration of relief provided for under this Act, or otherwise undertaken by it, and the commission may require that there be kept and furnished to it all such records and reports, at such times

and in such form and manner as it may direct, as to it shall seem advisable.

The commission shall have power to determine all matters relating to said relief work not expressly provided for in this Act, including (without restriction of the foregoing generality) the projects to be undertaken, the methods of administration, the amount, duration and character of employment to be given to persons collectively and individually, the selection and choice of the persons to be employed, the wages to be paid for the character of work performed, and all incidental matters, provided that wages paid and amount of work provided shall not exceed such minimum in each individual case as in the judgment of the commission will provide a daily minimum subsistence for the individual or dependents concerned.

SECTION 19. Subcommittees. The commission shall appoint a subcommittee of five members in each county, other than the city and county of Honolulu, which shall have charge of the administration of relief employment under this Act (and/or any other form of relief the commission may authorize in such county), subject to the direction and control of the commission, and shall be known as the "Unemployment Work Relief Subcommittee" for such county. The member of the commission residing in each such county shall be chairman of such subcommittee in his county. Each member shall serve without remuneration in any form. In the city and county of Honolulu, all such administration shall be in charge of the commission.

SECTION 20. Employment exempt from certain restrictions; wages exempt from sequestration, etc. All employment provided under the Unemployment Work Relief Fund shall be free from all citizenship, minimum wage and age restrictions, and all wages paid from the said fund shall be exempt from garnishment, attachment, or any other judicial or statutory proceedings for the taking, sequestration or withholding thereof for any purpose whatsoever, including payment of taxes.

SECTION 21. Payments from fund; auditing of expenditures. Expenditures from said fund shall be made only upon vouchers approved and signed by the chairman or acting chairman of the subcommittee of the county in which the work was performed, and countersigned by the chairman, acting chairman, relief director or executive secretary of the commission. All expenditures in each county on county projects shall be audited by the county auditor, and all expenditures for territorial projects shall be audited by the auditor of the Territory.

SECTION 22. Additional funds. The commission may accept any additional funds which may be provided by the United States



government, the Territory, or any county, or any other source, either to supplement the fund provided by taxation under this Act or for use in other forms of relief for the unemployed, or for costs of administration, in each case upon such terms and conditions as the commission in its discretion may approve. No subcommittee nor any individual member thereof shall accept any funds for nor undertake or continue in any administration or supervision of unemployment or relief work other than as provided for in this Act without the express approval of the commission in each case.

SECTION 23. Constitutionality; construction of Act. The tax imposed by this Act shall not apply to any compensation or dividends which, under the constitution or laws of the United States cannot legally be so taxed.

If for any reason said tax or any provision of this Act is held invalid as applied to any person or class of persons, or any kind or kinds of compensation or dividends or portion thereof, that shall not invalidate such tax or provision as applied to any other person or class of persons, or any other kind or kinds of compensation or dividends or portion thereof.

If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be held unconstitutional.

SECTION 24. Effective date; period for which tax to apply; suspension, revival, termination by governor under certain circumstances.

(a) This Act shall take effect on the first day of the month immediately following the month within which it shall be approved, and the tax hereby imposed shall apply to all compensation received for services performed, and all dividends paid, during the period during which this act shall be effective.

(b) This Act shall terminate and cease to be effective on and after July 1, 1935; provided:

(1) That it shall remain in effect thereafter for the collection and enforcement of taxes, penalties and other rights and liabilities which shall have accrued or attached on or before said date, and for the expenditure of unemployment relief funds after said date;

(2) That if the aggregate amount of all taxes collected under this Act in all the counties shall reach the amount of \$1,000,000.00 before July 1, 1935, the governor by proclamation, duly promulgated, shall declare the tax imposed by this Act to be terminated

and no longer effective as of the end of the month next succeeding the month during which such proclamation shall be issued, and in such event, after the termination date set forth in such proclamation, this Act shall be terminated and be no longer effective, except that the same shall remain in effect thereafter for the collection and enforcement of taxes, penalties and other rights and liabilities which shall have accrued or attached on or before said date of termination and for the expenditure of such unemployment relief funds; and

(3) That if, before July 1, 1935, the governor shall find and determine that an emergency by reason of unemployment in the Territory no longer exists, or that in his judgment sufficient funds have been collected under this Act to adequately meet the unemployment emergency, whether with or without other funds made available to the Territory by the United States government, the governor by proclamation, duly promulgated, shall declare the tax imposed by this Act to be suspended as of the end of the month next succeeding the month during which such proclamation shall be issued, and in such event, after the suspension date set forth in such proclamation, this Act shall be suspended as to all compensation or dividends received or paid on or after said suspension date and no tax shall be levied or assessed upon or against such compensation or dividends until and unless said Act and tax shall be revived and reinvoked as hereinafter next provided; but said Act shall remain in effect, nevertheless, for the collection and enforcement of taxes, penalties and other rights and liabilities which shall have accrued or attached on or before said date of suspension and for the expenditure of such unemployment relief funds. If, after such suspension, the governor shall find and determine that an emergency, by reason of unemployment, still exists or has recurred and that sufficient funds have not been collected under this Act to adequately meet such emergency, in such event the governor, by proclamation, duly promulgated, may revive and reinvoked this Act and said tax as of the first day of the month next succeeding the month during which such proclamation shall be issued, and in such event said Act and tax shall apply in all respects to all compensation and dividends paid or received on or after said revival date. In no event, however, shall said Act be continued in effect after July 1, 1935, or after the contingency mentioned in paragraph (2) of this proviso.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 210**

[H. B. No. 155]

AN ACT PROVIDING FOR UNIFORM REDUCTIONS IN SALARIES, WAGES, COMPENSATION OR REMUNERATION AND PENSIONS PAID BY THE TERRITORY OR ANY COUNTY OR CITY AND COUNTY, OR ANY BOARD, COMMISSION, DEPARTMENT, BUREAU OR OTHER AGENCY THEREOF AND FOR SUBSEQUENT INCREASES OF SUCH SALARIES, WAGES, COMPENSATION OR REMUNERATION AND PENSIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. Wherever used in this Act:

(a) "Territory" means the Territory of Hawaii or any board, commission, department, bureau or other agency thereof;

(b) "County" means and includes each county or city and county or any board, commission, department, bureau or other agency thereof;

(c) "Compensation" means and includes all salaries, wages or other compensation or remuneration of all public employees;

(d) "Pension" means any pension or similar benefits paid by the Territory or any county under any specific legislative enactment or under Chapter 130, Revised Laws of Hawaii 1925, but shall not include any pension or benefit payable by the Employees' Retirement System of the Territory of Hawaii to members or beneficiaries of said system;

(e) "Employees" shall mean and include all public officers and employees.

SECTION 2. The governor of the Territory is hereby authorized and empowered, from time to time as in his judgment the finances of the Territory may require, by executive order duly promulgated, to effect a uniform reduction (a) in the compensation of all employees of the Territory whose compensation is paid out of territorial funds and (b) in all pensions payable out of territorial funds; provided, however, that the aggregate of all reductions so made by the governor shall not exceed ten per cent of the rates of compensation and the pensions as the same existed immediately prior to the initial reduction effected under this section, and provided, further, that this section shall not apply to the territorial employees in the University of Hawaii, the Kalaupapa Settlement, and the public libraries.

Whenever in the judgment of the governor the finances of the Territory will permit, he shall be authorized and empowered, from time to time, by executive order duly promulgated, to effect uni-

form increases in such compensation and pensions which shall have been previously reduced by him under this section; provided, however, that no compensation and pensions shall be so increased as to exceed the rates of compensation and the pensions in effect immediately prior to the initial reduction effected under this section.

SECTION 3. The board of supervisors of each county is hereby authorized and empowered, from time to time as in its judgment the finances of such county may require, to effect uniform reductions (a) in all compensation payable to territorial or county employees out of county funds where such compensation is fixed by legislative enactments and (b) in all pensions payable out of county funds; provided, however, that the aggregate of all reductions so made by such board shall not exceed ten per cent of the rates of compensation and the pensions as the same existed immediately prior to the initial reduction effected under this section; provided, further, that this section shall not apply to the employees in the Honolulu fire department.

Whenever in the judgment of such board the finances of such county will permit, it shall be authorized and empowered, from time to time, to effect uniform increases in such compensation and pensions which shall have been previously reduced by it under this section, provided, however, that no compensation and pensions shall be so increased as to exceed the rates of compensation and the pensions in effect immediately prior to the initial reduction effected under this section.

All reductions and increases effected by the board of supervisors of the city and county of Honolulu under this section shall apply to the employees of the board of water supply, city and county of Honolulu.

SECTION 4. This Act shall take effect on its approval, provided, that no reduction in compensation and pensions made hereunder shall be effective before July 1, 1933.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 211**

[H. B. No. 203]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU AND THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME BY PERMANENTLY EXTENDING THE PROVISIONS OF ACT 281 OF THE SESSION LAWS OF 1931.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The pensions established in Act 281 of the Session Laws of 1931 are hereby permanently extended, until abolished, amended and/or changed or otherwise acted upon by the legislature of the Territory. The payments of such pensions shall be made in accordance with the provisions of said Act 281 except as the same may have been superseded or amended by Act 157 of the Session Laws of 1933.

SECTION 2. This Act shall take effect July 1, 1933.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**ACT 212**

[S. B. No. 168]

AN ACT TO AMEND SECTION 2546 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COSTS AGAINST GOVERNMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2546 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2546. No bonds or costs to be filed or paid by government. Neither the Territory nor any county or city and county nor any officer acting in his official capacity on behalf of the Territory or any county or city and county, shall be taxed costs or required to pay or make any deposit for the same or file any bond whatsoever in any case. It is provided, however, that in all cases in which a final judgment or decree is obtained against the Territory, county, city and county, or other political subdivision, any and all deposits

for costs made by the prevailing party shall be returned to him, and he shall be reimbursed by the Territory, county, city and county, or other political subdivision, as the case may be, all actual disbursements, not including attorney's fees or commissions, made by him and approved by the court".

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**J. R. No. 1**

[S. J. R. No. 4]

JOINT RESOLUTION PROVIDING FOR THE REDUCTION OF THE REAL PROPERTY TAX RATE FOR THE COUNTY OF MAUI, AND PROVIDING FOR A REDUCTION OF THE AMOUNT TO BE APPROPRIATED AND RAISED BY TAXATION FOR THE BENEFIT OF THE KULA SANITARIUM FOR THE YEARS 1933 AND 1934, AND REMOVING CERTAIN RESTRICTIONS UPON EXPENDITURES BY SAID COUNTY OUT OF TAX MONEYS FOR SAID YEARS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the tax rate limit for real property taxes for the county of Maui prescribed by that portion of Section 21 of Act 40, Second Special Session 1932, set forth in the last paragraph on page 102 of the Session Laws of Hawaii, First and Second Special Sessions, 1932, is hereby reduced, for each of the years 1933 and 1934, from \$770,000.00 to \$700,000.00, and if the amount set forth in item (11) column III of the budget submitted by the board of supervisors of said county, as required by said Section 21, for either of said years 1933 and 1934 shall exceed said sum of \$700,000.00, the territorial treasurer shall reduce the amount of said item (11) to said sum and shall fix the tax rate for said county for such year accordingly. Provided, that for the year 1933, the maximum amount to be appropriated by said board of supervisors for the maintenance, support, equipment and improvement of the Kula Sanitarium pursuant to Act 54 of the Session Laws of Hawaii 1925, as finally amended by Act 48, Second Special Session of 1932, shall be \$110,000.00 and for the year 1934, shall be \$100,000.00; provided, further, that during said years 1933 and 1934, the provisions of the second paragraph of Section 71 of said Act 40, prescribing the proportions in which expendi-

tures for current expenses and permanent improvements, respectively, shall be made, shall be suspended, and inoperative, as to said county of Maui, and the real property tax moneys paid to said county for each of said years for items (9) and (10) of the county budget, as prescribed by Section 21 of said Act 40, shall be available for expenditure by said county for any county purposes whatsoever, any law to the contrary notwithstanding.

Approved this 22nd day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**J. R. No. 2**

[ H. J. R. No. 4 ]

JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN HOMES COMMISSION ACT 1920 SO AS TO PLACE CERTAIN OF THE LANDS OF AUWAIOLIMU, KEWALO AND KALAWAHINE, ON THE ISLAND OF OAHU, TERRITORY OF HAWAII, UNDER THE OPERATION OF THE HAWAIIAN HOMES COMMISSION ACT 1920, AND TO CONFER THEREON THE STATUS OF HAWAIIAN HOME LANDS.

WHEREAS, there is no available public land in close proximity to the city of Honolulu which may be allotted under the provisions of the Hawaiian Homes Commission Act 1920 to native Hawaiians for residence purposes; and

WHEREAS, there are a large number of native Hawaiians in the congested tenement districts in the city of Honolulu whose condition will be greatly improved if they are enabled to secure residence lots in less congested areas in or near said city under the terms of the Hawaiian Homes Commission Act 1920 and thereby escape from the unhealthy conditions of said tenement districts; and

WHEREAS, it is advisable and for the best interests of the Hawaiian race that the lands hereinafter described which are within the limits of the city of Honolulu but are unoccupied at the present time, be brought under the operation of the Hawaiian Homes Commission Act 1920 and be made available to native Hawaiians for residence purposes in lots not exceeding in area one-half acre each; now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the Congress of the United States of America be, and it hereby is, requested, through the Delegate to Congress from the Territory of Hawaii, to place under the operation of the Hawaiian Homes Commission Act 1920, and to declare to be, and to confer thereon the status of, Hawaiian Home Lands under said Act, those certain parcels of land, being portions of the lands of Auwaiolimu, Kewalo and Kalawahine, on the island of Oahu, described in the proposed bill hereinafter set forth in words and figures, which bill the said Congress is hereinafter requested to enact, such lands to be made available for allotment by the Hawaiian Homes Commission under the provisions of said Act to native Hawaiians for residence purposes in lots not exceeding in area one-half acre each; and to that end the Congress of the United States of America is hereby requested and urged, through said Delegate to Congress, to enact and adopt a bill amendatory of the Hawaiian Homes Commission Act 1920, in substantially the following words and figures, to-wit:

"A BILL TO AMEND SECTIONS 203 AND 207 OF THE HAWAIIAN HOMES COMMISSION ACT 1920 (UNITED STATES CODE, TITLE 48, SECTIONS 697 AND 701) CONFERRING UPON CERTAIN OF THE LANDS OF AUWAIOLIMU, KEWALO AND KALAWAHINE, ON THE ISLAND OF OAHU, TERRITORY OF HAWAII, THE STATUS OF HAWAIIAN HOME LANDS, AND PROVIDING FOR THE LEASING THEREOF TO NATIVE HAWAIIANS FOR RESIDENCE PURPOSES IN LOTS NOT EXCEEDING IN AREA ONE-HALF ACRE EACH.

*"Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:*

"SECTION 1. That paragraph numbered '(4)' of Section 203 of the Hawaiian Homes Commission Act 1920 (United States Code, Title 48, Section 697) is hereby amended to read as follows, to-wit:

'(4) On the island of Oahu: Nanakuli (three thousand acres, more or less), and Lualualei (two thousand acres, more or less), in the District of Waianae; and Waimanalo (four thousand acres, more or less), in the district of Koolaupoko, excepting therefrom the military reservation and the beach lands; and those certain portions of the lands of Auwaiolimu and Kewalo described by metes and bounds as follows, to-wit:

'(i) Portion of the government land of Auwaiolimu, Punchbowl Hill, Honolulu, Oahu, described as follows: Beginning at a pipe at the southeast corner of this tract of land, on the boundary



between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to government survey trig. station 'Punchbowl' being 1135.9 feet north and 2557.8 feet east as shown on government survey registered map 2692, and running by true azimuths:

1. 163° 31' 238.8 feet along the east side of the Punchbowl-Makiki Road;
2. 94° 08' 124.9 feet across Tantalus Drive and along the east side of Puuowaina Drive;
3. 131° 13' 232.5 feet along a 25-foot roadway;
4. 139° 55' 20.5 feet along same;
5. 168° 17' 257.8 feet along government land (old quarry lot);
6. 156° 30' 333.0 feet along same to a pipe;
7. Thence following the old Auwaiolimu stone wall along L. C. Award 3145 to Laenui, Grant 5147, (Lot 8 to C. W. Booth), L. C. Award 1375 to Kapule and L. C. Award 1355 to Kekuanoni, the direct azimuth and distance being: 249° 41' 1303.5 feet;
8. 321° 12' 693.0 feet along the remainder of the land of Auwaiolimu;
9. 51° 12' 1400.0 feet along the land at Kewalo to the point of beginning; containing an AREA OF 27.0 ACRES; Excepting and reserving therefrom Tantalus Drive, crossing this land;

(ii) Portion of the land of Kewalo, Punchbowl Hill, Honolulu, Oahu, being part of the lands set aside for the use of the Hawaii Experiment Station of the United States Department of Agriculture by proclamation of the acting governor of Hawaii, dated June 10, 1901, and described as follows: Beginning at the northeast corner of this lot, at a place called Puu Ea on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to government survey trig. station 'Punchbowl' being 3255.6 feet north and 5244.7 feet east, as shown on government survey registered map 2692 of the Territory of Hawaii, and running by true azimuths:

1. 354° 30' 930.0 feet along the remainder of the land of Kewalo, to the middle of the stream which divides the lands of Kewalo and Kalawahine;
2. Thence down the middle of said stream along the land of Kalawahine, the direct azimuth and distance being: 49° 16' 1512.5 feet;

3. 141° 12' 860.0 feet along the remainder of the land of Kewalo;
4. 231° 12' 552.6 feet along the land of Auwaiolimu to Puu Iole;
5. Thence still along the said land of Auwaiolimu following the top of the ridge to the point of beginning, the direct azimuth and distance being: 232° 26' 1470.0 feet, containing an AREA OF 30.00 ACRES. Excepting and reserving therefrom Tantalus Drive, crossing this land.

(iii) Together with that portion of the land of Kalawahine (25 acres more or less), makai of Tantalus Drive, and lying between the portion of the land of Kewalo above described and the so-called Kalawahine lots, in the District of Honolulu'.

SECTION 2. Paragraph numbered (3) of subsection (a) of Section 207 of the Hawaiian Homes Commission Act 1920, as amended, (United States Code, Title 48, Section 701) is hereby amended by adding thereto immediately following the end thereof, an additional proviso, reading as follows, to-wit:

'Provided, further, that the portions of the lands of Auwaiolimu, Kewalo and Kalawahine on the island of Oahu under the control of the commission, shall be leased only for residence purposes in individual lots not exceeding in area one-half acre per lot.'

SECTION 3. This Act shall take effect on and after the date of its approval."

SECTION 2. The secretary of Hawaii is hereby requested and directed to forward certified copies of this Joint Resolution to the Delegate to Congress from Hawaii, to the Secretary of the Interior, and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Approved this 26th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**J. R. No. 3**

[H. J. R. No. 14]

JOINT RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN PERSONS FROM TERRITORIAL INSTITUTIONS FOR THE PURPOSE OF RETURNING TO THEIR HOMES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

That the official or board in charge of any institution of the Territory of Hawaii in which any alien, including Filipino, may be maintained or confined be and they are and each of them is hereby authorized and empowered (notwithstanding any law to the contrary) to release any alien, including Filipino, from such institution for the purpose of returning or being returned to his native land, such release to be conditioned upon the person so released remaining away from the Territory of Hawaii.

Approved this 27th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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**J. R. No. 4**

[H. J. R. No. 15]

JOINT RESOLUTION DIRECTING THE COMMISSIONERS OF EDUCATION AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO SUSPEND ALL MANDATORY REQUIREMENTS FOR PROFESSIONAL IMPROVEMENT OF PUBLIC SCHOOL TEACHERS DURING THE PERIOD ENDING JUNE 30, 1935.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

The commissioners of education and superintendent of public instruction are hereby directed to suspend all mandatory requirements for professional improvement of public school teachers during the period ending June 30, 1935.

Rating of teachers during this period shall be made without reference to professional improvement; provided, however, that the departmental credits shall be granted to those teachers who elect to professionally improve themselves by traveling, or taking summer or extension courses.

Approved this 28th day of April, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

## J. R. No. 5

[S. J. R. No. 9]

## JOINT RESOLUTION AUTHORIZING THE BOARD OF LEPER HOSPITALS AND SETTLEMENT TO ENTER INTO A CONTRACT WITH THE MOLOKAI ELECTRIC COMPANY, LIMITED, FOR THE FURNISHING OF ELECTRIC POWER FOR USE AT KALAUPAPA, MOLOKAI.

WHEREAS, as a result of studies now being made by the board of leper hospitals and settlement, it may no longer be desirable for said board to maintain and operate an electric generating plant at Kalaupapa, Molokai, for the furnishing of electric light and power used by the leper settlement; and

WHEREAS, the Molokai Electric Company, Limited, has recently established and is now maintaining an electric generating plant at Kaunakakai, Molokai, and is able to furnish electric power delivered at Kalaupapa; and

WHEREAS, said electric light company is willing to enter into a five-year contract to furnish and deliver electric power at the leper settlement, now, therefore,

*Be it Enacted by the Legislature of the Territory of Hawaii:*

That the board of leper hospitals and settlement be and it is hereby authorized, if in its discretion such action is advisable, to enter into a written contract with the Molokai Electric Company, Limited, for a period to expire not later than June 30, 1938, for the furnishing of electric power to be delivered by said electric company to the leper settlement for use thereat.

Approved this 3rd day of May, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

**J. R. No. 6**

[H. J. R. No. 13]

JOINT RESOLUTION AUTHORIZING THE MAYOR OF THE CITY AND COUNTY OF HONOLULU AND THE CHAIRMEN OF THE BOARDS OF SUPERVISORS OF THE SEVERAL COUNTIES OF THE TERRITORY OF HAWAII TO DESTROY CERTAIN PAID WARRANTS, BONDS AND BOND COUPONS PAID PRIOR TO JANUARY 1, 1927.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Authority is hereby given the mayor of the City and County of Honolulu and the chairmen of the boards of supervisors of the several counties of the Territory of Hawaii to destroy by burning or other means all warrants, bonds or bond coupons of said city and county or said counties, which have been paid or redeemed prior to January 1, 1927. All actions relating to said destruction as aforesaid are hereby approved and ratified by the Legislature of the Territory of Hawaii.

SECTION 2. This Joint Resolution shall take effect upon its approval.

Approved this 1st day of June, A. D. 1933.

LAWRENCE M. JUDD,  
Governor of the Territory of Hawaii.

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